United Nations S/2001/52

Security Council

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17 January 2001

Original: English

Letter dated 17 January 2001 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 23 November to 10 December 2000.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

01-21648 (E) 170101

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. Over the reporting period (23 November-10 December 2000) there were approximately 44,000 troops of the Kosovo Force (KFOR) in theatre, with no major changes in deployment since the last report.

Security

2. Overall, the situation in Kosovo remained stable, but tense, with continued acts of ethnic violence and harassment throughout the province. Inter-ethnic intimidation was reported in Vitina, Vica, Kosovo Polje, Mitrovica, Cernica, Stimlje and Mali Alas, and ranged from an incident of Kosovar Albanians illegally occupying a Kosovar Serb house to explosions near the offices of a relief organization assisting Roma families.

3. Acts of political intimidation also continued throughout the period, with the most serious occurring on 23 November with the murder of Mustafa Xhemajl, the spokesman and political adviser to Mr. Rugova. On 30 November, Ejup Visoka, a Democratic League of Kosovo (LDK) official was shot and wounded. Members of the LDK remain concerned about their personal safety in the wake of these and other recent attacks.

4. On 7 December, in reaction to a search operation in Mitrovica (Multinational Brigade (MNB) (North)) and the arrest of a Kosovar Serb woman, approximately 100 Kosovar Serbs gathered in the city and harassed members of both the civil police and the gendarmerie. The harassment culminated in an attack on a police car belonging to the United Nations Interim Administration Mission in Kosovo (UNMIK), the beating of the driver and the abduction of an interpreter working for UNMIK, who was subsequently released. KFOR troops cordoned off the area and the tension later subsided.

5. Throughout the period, KFOR troops continued to uncover and confiscate caches of weapons, ammunition and explosives. On 25 November, following local weapons search operations in Stimlje, Klokot, Dobri Doh and Pec, weapons and ammunition were confiscated and four Kosovar Albanians were detained. On 7 December, during the search operation in Mitrovica mentioned above, KFOR troops confiscated weapons including 10 anti-tank rocket launchers.

Illegal border activity

6. KFOR troops continued to provide appropriate control of Kosovo's internal boundaries and external borders and recognized crossing points. All but two of the recognized crossing points within each MNB into the Ground Safety Zone (GSZ) remain closed.

7. Throughout the period, there were skirmishes involving small arms, automatic weapons fire and mortar fire between ethnic Albanian armed groups and Serb security forces in the Presevo Valley. On 25 November, KFOR troops facilitated the return to Serbia of the bodies of three policemen of the Special Police (MUP) who had been killed during recent fighting in the Presevo Valley. Over the period, KFOR took action to prevent the flow of supplies from inside Kosovo, and increased its

monitoring of the boundary. In addition, KFOR troops refused to allow ethnic Albanian males of military age to cross into the Presevo Valley. KFOR has also continued to make use of the Joint Implementation Commission (JIC), set up under the military technical agreement, in order to encourage the two sides to avoid violence.

Security Council resolution 1160 (1998)

8. Although KFOR operations continue to result in weapons seizures there have been no reported violations of Security Council resolution 1160 (1998).

Cooperation and compliance by the parties

9. Over the period there were eight reported cases of non-compliance by the Kosovo Protection Corps (KPC), mainly related to the possession of illegal weapons and ammunition or to the misuse of authorized weapons.

10. The engagement of KPC in humanitarian work projects continued, with 430 members involved in 37 projects ranging from house repair and road construction to the development and cleaning of public areas.

11. The army (VJ) and security forces of the Federal Republic of Yugoslavia remain generally compliant with the terms of the military technical agreement and continue to be cooperative in their dealings with KFOR.

Cooperation with international organizations

12. KFOR continues to provide regular assistance on request to international organizations and non-governmental organizations (NGOs) throughout Kosovo on a daily basis, and to provide framework security in support of UNMIK police operations targeting organized crime, prostitution and smuggling. In addition, KFOR troops continue to support safe conditions for minority returns.

Return of refugees and displaced persons

13. The number of refugees and displaced persons returning to Kosovo has decreased significantly with the onset of winter and the appeal made by the former Special Representative of the Secretary-General for returns to be postponed until the spring of 2001. Approximately 200,000 Kosovar Serbs and 30,000 to 40,000 other ethnic minorities remain displaced within the Federal Republic of Yugoslavia.

Outlook

14. The security situation in the province is expected to remain relatively stable but tense, especially along the boundary with southern Serbia in the Presevo Valley.

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Security Council

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Identical letters dated 17 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to bring to your attention the alarming reports that appeared in the news media on Monday, 15 January 2001, concerning the recommendation set forth in a working paper presented by Udayy Saddam Hussein, son of the Iraqi President, to the Iraqi National Assembly to the effect that the map of Iraq that serves as the Assembly's emblem should be changed in order to include Kuwait as a part of Greater Iraq.

It is incontrovertible that the recommendation contained in the working paper (see annex) represents a threat and a provocation to Kuwait and that it is an endeavour to exacerbate the climate of tension and create instability in the region. This is principally so for the reasons outlined hereunder.

1. The paper presented by Udayy Saddam Hussein represents a flagrant violation of Security Council resolutions and in particular of resolution 833 (1993). Iraq declared its acceptance of this resolution, and it did so acting through all of the institutions established under its Constitution. These included its National Assembly, which issued a proclamation on 10 November 1994 affirming its endorsement of the recognition by the Republic of Iraq of Kuwait's sovereignty, territorial integrity and independence and of Iraq's recognition of the international boundaries as demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission established pursuant to paragraph 3 of Security Council resolution 687 (1991).

2. The recommendation, made more than 10 years after the Iraqi invasion of Kuwait, reveals that the Iraqi leaders have intentions with regard to Kuwait that are other than peaceful. It again confirms that Iraq is maintaining its past policy and its hostile attitude, that it has learned no lessons and that it has no sense of contrition or regret for its manifest violation of international covenants and conventions in August 1990.

3. The recommendation, as well as being in violation of Security Council resolutions, is patently and obviously at odds with the decisions and appeals contained in the final documents adopted by the meetings of international and regional organizations, most prominently those of the Movement of Non-Aligned Countries, the Organization of the Islamic Conference and the Gulf Cooperation Council, which have, inter alia, customarily called upon Iraq to take the necessary

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steps to demonstrate its peaceful intentions towards Kuwait and other neighbouring States.

4. The recommendation of Udayy Saddam Hussein, who is a member of the National Assembly and a pillar of the Iraqi regime, justifies the fears and suspicions of Kuwait and its mistrust of the credibility of the Iraqi Government's commitment to compliance with the relevant Security Council resolutions.

Accordingly, Kuwait calls upon the Security Council to meet its responsibility for the maintenance of international peace and security and for resistance to provocations of this kind, to intervene with the Iraqi Government in order to remind it of its responsibilities and obligations as stipulated in the relevant Security Council resolutions and to call upon the Iraqi Government to desist from maintaining an attitude that poses a direct threat to the security and stability of the State of Kuwait and does no service to efforts and endeavours to promote security and stability in the region.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mansour Ayyad Sh. A. **Al-Otaibi**
Chargé d'affaires a.i.

Annex to the identical letters dated 17 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations addressed to the Secretary-General and to the President of the Security Council

Performance of the National Assembly in its legislative and oversight functions: working paper presented by Abd Allah Udayy Saddam Hussein, Member of the National Assembly (Baghdad, November 2000)

Remarks on the performance of State ministries:

[...]

3. Inadequacy on the part of Assembly members in exercising their legislative functions when introducing draft laws.

Recommendation: Implementation of article 25, paragraph 1, of the National Assembly Law, concerning the introduction of draft laws in accordance with the provisions of the Constitution, in order to meet the needs of the people and of further social development.

4. Shortcomings in consultative initiatives for the Presidency of the Republic.

Recommendation: Activation of the consultative functions of the Assembly as stipulated in article 62 of the National Assembly Law and provision of advice to the Presidency of the Republic on any matter studied by the Assembly.

5. Inadequacy of the Assembly's human, technical and financial resources and its impact on the Assembly's performance.

Recommendation: Increased support in this domain in order to enable the Assembly to perform its legal duties in accordance with the provisions of article 63 of the National Assembly Law.

6. Shortcomings in the performance by Assembly members of their oversight role given the small number of oversight initiatives relating to the State's internal and external general policy, the deference of some members who are State functionaries to their ministers when receiving them at the Assembly and the ineffectiveness of inspection procedures for fact-finding in State agencies.

Recommendation: Full exercise of all the oversight functions stipulated in articles 56, 57, 58 and 60.

7. Poor performance of some Assembly committees.

Recommendation: Effective stimulation of the performance of the Assembly's special committees, each in its own domain, so as to achieve tangible results for the good of the Assembly's internal functioning. An example is the Services and Citizen Affairs Committee, where complaints are supposed to be analysed and studied with a view to devising sound solutions.

8. The moral standing of Assembly membership, and the feeling of Assembly members that they are not accorded their proper status by State agencies in the performance of their duties.

Recommendation: Instructions to State agencies and mass organizations to treat Assembly members in a manner becoming their status as representatives of the people, and provision of the necessary facilities for them to perform their functions when consulted in an official capacity.

9. Inadequate use by Assembly committees of national scientific expertise.

Recommendation: Assembly committees should seek the assistance of the universities, mass organizations and scientific research institutions, each in its own field, in accordance with the provisions of article 83 of the National Assembly Law.

10. Lack of communication between Assembly members and the Office of the Speaker.

Recommendation: In order to promote communication and link Assembly members with the Office of the Speaker, each member should submit a detailed report on his general activities as a member during the session in order to enable the Assembly to monitor the work of its members.

11. Deputations.

Recommendation: Deputations should include the greatest possible number of members who are specialists.

12. The financial problem for Assembly members.

Recommendation: Attention should be paid to improving the material situation of Assembly members in terms of salaries and allowances.

13. The map of Iraq that serves as the Assembly's emblem does not include all of Iraq's territory as it is known to all classes, segments and ethnic groups among the people of Iraq, that is to say [that it does not include] Kuwait City.

Recommendation: Adoption of the map of Iraq in its entirety, including Kuwait City as an integral part of Greater Iraq, as the emblem of the people's representatives.

Note: The [original Arabic] text has been retyped.

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Letter dated 16 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 16 January 2001 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the decision taken by Iraq to allocate the sum of 100 million euros to assist the some 30 million United States citizens who continue to suffer from persecution and discrimination and live on refuse, deprived of the most basic means of subsistence. This money should be distributed under the supervision of a mutually acceptable Iraqi body and with the full knowledge of the United Nations and the Secretary-General.

The Minister for Foreign Affairs requests that all the necessary measures be taken in order to permit this Iraqi assistance to be delivered as soon as possible, in coordination and consultation with you, thereby alleviating some of the suffering of those homeless and wretched citizens of the United States of America.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Al-Humaimidi**
Chargé d'affaires a.i.

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Annex to the letter dated 16 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

I should like to inform you that the Government of Iraq wishes to express its humanitarian position and its deep sympathy for the human suffering and wretchedness of some 30 million United States citizens who live below the poverty line. The vast majority of those people are black citizens who continue to suffer from persecution and discrimination and live on refuse, deprived of the most basic means of subsistence, including food, medicine and secure shelter. Many are forced to live out in the open air, in cardboard boxes in the streets and alleys of American cities. The humanitarian tragedy faced by these wretched people, who in the United States of America are known as "homeless", deserves every sympathy and calls for every effort to be made to alleviate the burden of their cruel lives. Their continued suffering must not be met with silence. It is in order to make a contribution to the alleviation of some of the suffering of those homeless and poor Americans, and for the purest of humanitarian reasons, that the Government of the Republic of Iraq has resolved to allocate 100 million euros from the Iraqi funds in the Iraq account at the United Nations to assist those wretched, homeless American citizens. This money should be distributed under the supervision of a mutually acceptable Iraqi body and with the full knowledge of the United Nations and the Secretary-General.

I place this humanitarian initiative before you, hoping that all the necessary measures will be taken in order to permit this Iraqi assistance to be delivered as soon as possible, in coordination and consultation with you, thereby alleviating some of the suffering of those homeless and wretched citizens of the United States of America.

(Signed) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq

United Nations S/2001/55

Security Council

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Letter dated 17 January 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to refer to the letter addressed to you by the Permanent Representative of Lebanon dated 5 January 2001 (S/2001/14) in which he requests the extension of the mandate of the United Nations Interim Force in Lebanon.

The allegations contained in the letter of the Lebanese representative are as strange as they are disturbing, particularly in light of the regular assaults on Israeli soldiers and civilians emanating from Lebanese territory which have occurred, and continue to occur, along our common border. I have detailed these violations in a series of letters over the past several months, most recently in my letters of 26 November 2000 (S/2000/1121), 23 October 2000 (S/2000/1011), 19 October 2000 (S/2000/1002) and 7 October 2000 (S/2000/969).

In addition to the ongoing violations of the Line of Withdrawal by Lebanese civilians in the vicinity of the Phatma Gate, who engage in stone throwing, attacks with Molotov cocktails, and other manner of provocation, there have been a number of more serious incidents, including the kidnapping of three Israeli soldiers from Israeli territory by members of the Hizbullah terrorist organization on 7 October 2000 (S/2000/969), the killing of an Israeli soldier by a roadside charge on 26 November 2000 (S/2000/1121), and an attempted terrorist infiltration on 20 October 2000 (S/2000/1011).

The Government of Lebanon has not only failed to prevent these violations and acts of aggression, it has even supported and encouraged them. Regrettably, these actions have also been supported by the Governments of certain neighbouring States known for their support of terrorism.

It is therefore not the actions of Israel, but those of Lebanon, which stand in direct contravention to Security Council resolutions 425 (1978) and 1310 (2000). In withdrawing its troops from South Lebanon in May of 2000, Israel has already fully complied with its obligations under resolution 425 (1978) as confirmed by the Secretary-General (S/2000/590) and endorsed by the Security Council (S/PRST/2000/21) and referred to in Security Council resolution 1310 (2000). The responsibility now falls chiefly to the Government of Lebanon to fulfil its commitments pursuant to resolution 425 (1978) and exercise its effective authority in the area and ensure the return of peace and security to our common border.

Unfortunately, despite Israel's repeated urgings, the Government of Lebanon has failed to take the steps required of it under resolutions 425 (1978) and

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1310 (2000). The Government of Lebanon has failed to "ensure the return of its effective authority and presence in the south, and in particular to proceed with a significant deployment of the Lebanese armed forces as soon as possible" and "ensure a calm environment throughout the south" (S/RES/1310, paras. 6-7). Of the Lebanese Army's 65,000 soldiers, only a few hundred have been deployed in South Lebanon, none of them along the border with Israel.

The Government of Israel categorically rejects the Lebanese allegations and calls, once again, on the Lebanese authorities to fulfil their obligations under resolutions 425 (1978) and 1310 (2000), to effect the return of law and order to South Lebanon, to put an end to these violations of Israeli sovereignty, to establish effective authority by deploying the Lebanese armed forces in the area, and to bring peace and security, at long last, to our common border.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/55/736–S/2001/56

General Assembly
Security Council

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18 January 2001
English
Original: Arabic

General Assembly
Fifty-fifth session
Agenda item 40
The situation in the Middle East

Security Council
Fifty-sixth year

Letter dated 17 January 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to my previous letters on the same subject, I have the honour to convey to you hereunder a list of the violations and infringements that were committed by Israel against Lebanon in the period from 1 to 15 January 2001. They include the detonation of landmines left behind by the Israeli occupation, which injured one citizen and caused serious damage. Lebanon regards these incidents as an extension of Israel's aggression against its people and territory.

1 January 2001

Between 1020 and 1125 hours Israeli warplanes overflew Mount Lebanon, the North and the South at very high altitudes.

Between 1220 and 1245 hours Israeli warplanes overflew Mount Lebanon, the North and the South at very high altitudes.

Between 1315 and 1320 hours Israeli forces at the Aramta hill outpost in the occupied Shab`a farmlands directed a number of bursts of medium-weapons fire at surrounding areas.

Between 1730 and 1740 Israeli forces at the Ruwaysat al-Alam outpost in the occupied Shab`a farmlands directed a number of bursts of medium-weapons fire at surrounding areas.

Between 2200 and 2210 hours two Israeli helicopters flew along the Lebanese border over the occupied territories opposite Ra's al-Naqurah before heading towards the sea.

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2 January 2001

Between 1050 and 1145 hours an Israeli reconnaissance aircraft overflew the Tibnin and Bint Jubayl areas at very high altitude.

At 1340 hours Israeli forces fired several bursts of light automatic-weapons fire towards the high ground along the blue line in an outlying areas of Ayta al-Sha`b. An Israeli helicopter also hovered over the same area on the side towards the occupied territories for five minutes.

At 2045 hours Israeli forces at the Ruwaysat al-Alam and Ramta hill outposts in the occupied Shab`a farmlands launched two illumination flares and directed several bursts of medium-weapons fire towards the surrounding area.

3 January 2001

At 0700 hours Israeli forces fired several 155-mm artillery shells and 120-mm mortar rounds towards the occupied Shab`a farmlands from their outposts at Ayn al-Tinah, Mazra`at Fashkul and Ruwaysat al-Alam. Some 100 goats belonging to Muhammad Abd Allah Zuhrah from Shab`a town were killed.

At 1100 hours an anti-personnel landmine exploded in Sujud while Najib Daqmaq, a native and resident of Nabatiyah born in 1962, was working on a tract of land with a bulldozer. No one was injured and there was no damage.

4 January 2001

In the morning Israeli forces were seen pouring concrete at their Mazra`at Fashkul outpost in the occupied Shab`a farmlands.

Israeli forces again raised a balloon over their outpost opposite Markaba (outpost 320).

5 January 2001

Between 1140 and 1155 hours two explosions and several bursts of medium-weapons fire were heard inside the occupied Shab`a farmlands.

Between 1215 and 1245 hours two Israeli helicopters flew over the occupied Shab`a farmlands.

7 January 2001

Between 1600 and 1630 hours Israeli forces blasted some rocks at their outpost at Mazra`at Fashkul in the occupied Shab`a farmlands.

8 January 2001

Between 1000 and 1115 hours Israeli warplanes overflew the South and the Shuf at moderate to very high altitudes.

At 2000 hours three artillery shells fired from Israeli enemy positions in the occupied territories impacted in an outlying area of Mazra`at al-Majidiyah in the liberated zone.

9 January 2001

At 1000 hours an Israeli helicopter landed at occupied Summaqah outpost in an outlying area of Kafr Shuba in Hasbayya district.

At 2210 hours an Israeli gunboat in Israeli territorial waters off Naqurah fired several bursts of medium-machine-gun fire towards the shore.

At 1030 hours movement of Israeli military vehicles was reported at the occupied Ruwaysat al-Alam outpost in an outlying area of Kafr Shuba in Hasbayya district.

Between 1045 and 1050 hours Israeli forces strafed the areas around their outposts at Summaqah hill and Ramta hill in the occupied Shab'a farmlands with medium-weapons fire.

At 1110 and 1130 hours two Israeli helicopters flew over the Summaqah, Ruwaysat al-Alam and Birkat al-Naqqar outposts in the occupied Shab'a farmlands. [They strafed surrounding areas] with medium-machine-gun fire, and five explosions were heard near the Birkat al-Naqqar outpost.

Between 1225 and 1320 hours Israeli warplanes overflew the South, the Bekaa, the North and Mount Lebanon, breaking the sound barrier.

At 1210 hours two explosions were heard at the Ruwaysat al-Alam outpost in an outlying area of Kafr Shuba. This was followed by several bursts of machine-gun fire.

At 1740 hours unusual movements by Israeli military vehicles were noted at the occupied Summaqah and Ruwaysat al-Alam outposts in an outlying area of Kafr Shuba in Hasbayya district.

10 January 2001

At 1300 hours a landmine exploded as Ali Hamzah Sa'adah of Arabsalim was working on a bulldozer in Sujud. He was injured and taken to the hospital in Nabatiyah for medical attention.

At 2315 hours Israeli forces fired several 81-mm mortar rounds at areas around their outpost at Summaqah hill in the occupied Shab'a farmlands from one of their outposts in the same area.

11 January 2001

At 1745 hours Israeli forces blasted some rocks alon the road leading to Mount Hermon (Jabal al-Shaykh) south of Majidiyah in the occupied territories in order to widen the carriageway.

12 January 2001

At 1720 hours Israeli forces at the Summaqah outpost launched two illumination flares over the surrounding area.

At 1745 and 1915 hours an Israeli gunboat offshore and outside Lebanese territorial waters launched three illumination flares over the sea off Ra's al-Naqurah.

13 January 2001

At 1755 hours an Israeli gunboat in Israeli territorial waters off Ra's al-Naqurah launched an illumination flare over the sea.

Between 1935 and 1950 hours two Israeli helicopters flew over the territory along the Lebanese border opposite Risha, Yarun and Marun al-Ras.

Between 1200 and 1800 hours an Israeli bulldozer carried out excavation work between the Mazra'at Fashkul outpost and the Ramta hill outpost in the occupied Shab'a farmlands.

At 2000 hours an Israeli helicopter flew over the Abu Shinan slope in an outlying area of Rumaysh in Bint Jubayl district.

At 2015 hours movement of Israeli vehicles was reported between Al-Jiwar al-Qadim (between Rumaysh and Yarun) and the Abu Shinan slope. Searchlights were also in evidence.

Israeli forces erected concertina-type barbed-wire defences around the Himari gate (No. 43), in an outlying part of the Wazzani area, and the Dawawir gate, in an outlying area of Hunin.

14 January 2001

At 0855 and 1235 hours Israeli warplanes overflew the South and the Western Bekaa at very high altitudes, releasing heat balloons in the Hasbayya area.

At 1050 and 1225 hours an Israeli reconnaissance aircraft overflew the Tyre area at very high altitude.

At 1145 hours Israeli forces at the Ramta hill outpost in the occupied Shab'a farmlands directed several bursts of medium-weapons fire at the surrounding area.

At 1300 and 1445 hours Israeli warplanes overflew the South, the Western Bekaa, the North and Mount Lebanon at very high altitudes, breaking the sound barrier everywhere.

At 1340 and 1400 hours Israeli forces at the Summaqah hill and Ramta hill outposts in the occupied Shab'a farmlands directed a number of bursts of medium-weapons fire at surrounding areas.

15 January 2001

At 1330 hours, 1445 hours and intermittently Israeli warplanes overflew all parts of Lebanon at very high altitudes.

Between 1800 and 1835 hours Israeli warplanes overflew the Bint Jubayl and Tibnin areas at very high altitudes.

At 1840 hours Israeli forces at the Summaqah hill outpost in the occupied Shab'a farmlands launched two illumination flares over the surrounding area.

Like the previous Israeli violations of which it represents a continuation, this latest series is in flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty and poses a threat to stability in the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Sélim **Tadmoury**
Ambassador
Permanent Representative

United Nations S/2001/57

Security Council

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18 January 2001

Original: English

Letter dated 17 January 2001 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to bring to your attention that, on 8 December 2000, at 2300 hours, the Navy of the Islamic Republic of Iran, positioned in the northern Persian Gulf, intercepted and seized, in implementation of the Security Council resolutions on the sanctions regime against Iraq, an oil tanker called *Al-Zahra*, which was carrying 10 sailors along with a cargo of 2,500 metric tons of Iraqi unauthorized mazut.

In this connection, on 10 December 2000, at 0030 hours, Iraqi armed forces, violating Iranian internal waters, approached the impounded tanker and engaged Iranian Navy personnel. In the course of the conflict, which followed, one Iraqi was killed and one Iranian conscript was wounded.

The Government of the Islamic Republic of Iran underlines that the recurrence of such intrusions, which regrettably continue to occur along the common Iran-Iraq borders, will cause irreparable damage to the bilateral relations and consequently the security and stability in the region.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Hadi **Nejad-Hosseinian**
Ambassador
Permanent Representative

01-21885 (E) 190101

United Nations A/55/737–S/2001/58

General Assembly
Security Council

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18 January 2001

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General Assembly
Fifty-fifth session
Agenda item 64
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 17 January 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 16 January 2001 addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

01-21903 (E) 190101

Annex to the letter dated 17 January 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith the letter dated 8 January 2001 addressed to you by His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, concerning the recent abduction of a Turkish Cypriot by Greek Cypriot policemen at the mixed village of Pyla situated in the United Nations-controlled buffer zone (see enclosure).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

Enclosure

I understand that letters of protests about the arrest by the Turkish Republic of Northern Cyprus police of one Panicos Tsakourmas, aged 39, while in possession of drugs is being circulated in all directions by the Greek Cypriot leadership. It is alleged that the said Tsakourmas was abducted by Turkish Cypriots in retaliation to "the arrest" by the Greek Cypriot police of Turkish Cypriot Ömer Gazi Tekoğul at Pyla, a mixed village.

Both Tsakourmas and the Turkish Cypriot Ömer Gazi Tekoğul, aged 42, are in custody pending their trial in the respective courts, one in the Greek side and the other before the Assize Court to be held in February in the Turkish Republic of Northern Cyprus. Both sides allege that they were kidnapped by the police of the other side. Naturally, it is the relevant courts which will have to decide these issues. The allegation that Tsakourmas was arrested in retaliation to the unlawful arrest of Tekoğul is strenuously denied by the three policemen involved.

But the case of Tekoğul is a clear case of abduction by Greek Cypriot policemen who, concealing their identity, pretended to be a good friend of Tekoğul until the day he was abducted by them.

Tekoğul is a citizen of Turkish Republic of Northern Cyprus, of impeccable character, in charge of the Turkish sports club in Pyla.

On 1 December 2000, at about 2040 hours he had started his car, parked outside a Turkish coffee shop in Pyla, in order to go home when the two Greek Cypriot "friends" approached his car and beckoned him to enter their car for a chat. As soon as Tekoğul entered their car, he was hit on the head, and driven away in the direction of Larnaca. Shortly, four other Greek Cypriot policemen joined them and Tekoğul was taken into custody while his car, outside the coffee shop in Pyla, continued to run. Some hours later, the family was informed by neighbours about the car and Tekoğul's father took it away.

In the mixed village of Pyla, under United Nations control, the rule is that if anyone is arrested by either side, the United Nations should immediately be informed. This was not done in the case of Tekoğul. The family was informed about the said "arrest" 12 hours after the abduction.

Tekoğul's Greek Cypriot advocate Andreas Constantinou made this statement to the Cyprus Mail, on 28 December 2000.

> "I believe the police lied in their statements and I told the Attorney-General this when they said Tekoğul was arrested in the free areas, if they arrested him in free areas why didn't police show us the car?"

All in all it is clear that Tekoğul was abducted in line with the well-known, and long practised Greek Cypriot policy of harassing Turkish Cypriots. Abduction of well-known or popular Turkish Cypriots had stopped for some time, but it appears that the practice is coming back unless United Nations authorities in Pyla take stern steps in this matter.

In view of growing publicity about the Tsakourmas' case I thought I should give this information to you for a fair appraisal of the situation.

Yours respectfully,

(*Signed*) Rauf R. **Denktaş**
President

United Nations S/2001/59

Security Council

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18 January 2001

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Report of the Secretary-General concerning the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1311 (2000) of 28 July 2000, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2001. It provides an update of the situation in Abkhazia, Georgia, since my report of 25 October 2000 (S/2000/1023).

2. My Special Representative for Georgia, Dieter Boden, continues to head UNOMIG. He is assisted in this task by the Chief Military Observer, Major-General Anis Ahmed Bajwa (Pakistan). The strength of UNOMIG, as at 10 January 2001, stood at 103 military observers (see annex I).

II. Political aspects

3. During the reporting period, my Special Representative, in cooperation with the Russian Federation as facilitator, the members of the group of Friends of the Secretary-General for Georgia and the Organization for Security and Cooperation in Europe (OSCE), continued his efforts in pursuit of a comprehensive political settlement of the conflict in Abkhazia. He worked on the issue of the future political status of Abkhazia within the State of Georgia, the improvement of the security situation, the return of refugees to the Gali district as a first step towards the return of all refugees, the economic rehabilitation of Abkhazia and confidence-building. As a result, the Coordinating Council mechanism was improved and the network of security arrangements in the Mission's area of responsibility was strengthened.

4. In November, my Special Representative visited Moscow for consultations. Despite his efforts there and numerous top-level meetings with the parties to the conflict, no substantive progress was made on the draft document for the distribution of competencies between Tbilisi and Sukhumi (see S/2000/697, para. 5). The group of Friends of the Secretary-General, whose support for the draft document is indispensable, has yet to arrive at a coordinated position. Meanwhile, the Abkhaz side continues to refuse to discuss any document that would address the status issue.

5. At the invitation of the Government of Ukraine, a third high-level Meeting on Confidence-building Measures was originally to have been convened in Yalta, Ukraine, at the end of November (see S/2000/1023, para. 6). However, disagreements between the Georgian and Abkhaz sides regarding its agenda and a concluding document necessitated further consultations. Efforts by my Special Representative and the Russian Federation have resulted in a commitment of both sides to meet in Yalta in March 2001.

6. The eleventh session of the Coordinating Council of the Georgian and Abkhaz sides was held on 24 October in Tbilisi under the chairmanship of my Special Representative. The session confirmed the reactivation of the Council's Working Group 1 on security matters, whose recommendations were adopted. The Working Group subsequently met in its sixth session on 13 December in Sukhumi (see para. 11 below). After an interruption of almost three years, Working Group III on social and economic questions held its third session on 5 December in Tbilisi. Agreement was reached on a number of specific projects aimed at rehabilitating the communications

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systems in the zone of conflict and adjacent areas. These projects will be submitted for consideration to the Coordinating Council at its twelfth session. Efforts to convene Working Group II on refugees are continuing.

7. From 14 to 18 November 2000, Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations, visited the UNOMIG area of operations in order to review the Mission's work and the ongoing peace efforts. Mr. Annabi, together with my Special Representative, was received by President Eduard Shevardnadze and met with other representatives of the Georgian and Abkhaz sides, the representatives of the group of Friends, the Commander of the peacekeeping force of the Commonwealth of Independent States (CIS) and local non-governmental organizations.

8. Under the aegis of the United Nations, a joint assessment mission led by the head of the United Nations human rights office was carried out in the Gali district between 20 and 24 November, in close cooperation with OSCE and with the participation of experts from, inter alia, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Council of Europe. The purpose of the mission was to evaluate conditions for the safe, secure and dignified return of refugees and internally displaced persons to the district. The mission, in its preliminary findings (see annex II), recommended that my Special Representative explore the opening in Gali city of a branch office of the United Nations human rights office; consider with the two sides how to improve law enforcement training and further integration of the local population in the law enforcement structures; seek broader cooperation between the law enforcement organs of both sides; and assist in finding a non-discriminatory solution to the question of the language of instruction in Gali district schools. On 27 and 28 November, at the invitation of the OSCE Chairperson-in-Office, my Special Representative attended the OSCE Ministerial Meeting in Vienna to inform participants about the mission.

9. UNOMIG continues to provide advice, good offices and logistical assistance for projects aimed at building confidence between the Georgian and Abkhaz sides. In the period between January and October 2000, more than 1,500 persons — government officials, members of the diplomatic community, representatives of non-governmental organizations and journalists — benefited from the Mission's logistical assistance in support of efforts aimed at contributing to a peaceful settlement of the conflict. During the reporting period, these included, inter alia, Georgian and Abkhaz journalists who participated in the second training session offered by journalists of the British Broadcasting Corporation in Tbilisi on 9 and 10 December (see also S/2000/697, para. 9). There was also a meeting in Sukhumi of Georgian and Abkhaz organizations of the handicapped, and a visit to Sukhumi on 27 December of a team from Georgian State Television to prepare a special New Year's broadcast. The Georgian/Abkhaz Coordinating Commission and its Executive Secretary, Zurab Lakerbaia, have also contributed substantially to the efforts with a number of projects related to confidence-building, economic cooperation and humanitarian assistance.

III. Operations of the United Nations Observer Mission in Georgia

10. UNOMIG continues to carry out several ground patrols each day from the mission headquarters in Sukhumi and the two sector headquarters in Gali and Zugdidi, as well as almost daily helicopter patrols. In this way, UNOMIG is able to cover its entire area of responsibility and to monitor adequately the two sides' compliance with the 1994 Moscow ceasefire agreement. However, following the three-day abduction of two UNOMIG military observers in December 2000 in the Kodori Valley (see para. 17 below), patrolling in the valley was suspended for security reasons.

11. As mentioned above, the sixth session of Working Group I of the Coordinating Council dealing with security matters was held on 13 December under the chairmanship of the Chief Military Observer and with the participation of representatives of the Georgian and Abkhaz sides and the CIS peacekeeping force. Agreement was reached on the need to modify slightly the boundaries of the restricted weapons zone so as to exclude exercise areas used by the Georgian and Abkhaz sides, which are situated on the fringes of the zone. Working Group I also considered a proposal that a joint information centre be established for the purpose of collecting and providing information on criminal activity in the zone of conflict.

12. During the reporting period, the Joint Fact-finding Group continued its activities and met regularly. Efforts are under way to ensure that its potential is fully realized, particularly with regard to the speed of its reaction and the follow-up of its findings. The establishment of the joint information centre mentioned in the preceding paragraph could be a step in this direction.

IV. Situation on the ground

13. The general situation in the conflict zone during the reporting period remained mostly calm but very volatile, despite emerging indications of stability generated by improvements in the security network and stricter adherence by the parties to security arrangements adopted earlier.

14. Criminality and partisan activities continued to be a major destabilizing factor affecting the overall situation. Local inhabitants, particularly in the Gali sector, repeatedly complained about the presence of armed groups, which terrorize and intimidate the population. Despite increased patrols by the Abkhaz militia and the formation of additional village guards, the situation remained tense. Furthermore, Abkhaz militia, as well as CIS peacekeepers themselves, often became targets of armed attacks. UNOMIG continued to urge the Georgian and Abkhaz sides to increase their efforts at curbing criminality and to cooperate in good faith using the means provided by the Coordinating Council mechanism.

15. The most serious violation of the agreement on a ceasefire and separation of forces was an Abkhaz military exercise on 9 and 10 November at the training area near Ochamchira, which involved the use of heavy weapons. In connection with the exercise, the Abkhaz authorities, on 8 December, prohibited UNOMIG, as well as CIS peacekeeping forces, from flying over the area. No response has been received yet to the formal protest of UNOMIG to the Abkhaz authorities, but Abkhaz leader Vladislav Ardzinba, in a meeting with my Special Representative, insisted on the legality of the exercise and did not exclude a repetition. This matter will be taken up further with the Abkhaz side. In another violation of the ceasefire agreement, a detachment from the Abkhaz armed forces was deployed from 21 to 28 November in a village in the security zone. Following the protest of UNOMIG, the detachment was withdrawn. UNOMIG continues to monitor the situation.

V. Security situation

16. While partisan activities continue to be of concern, the main threat to the security and safety of UNOMIG personnel is the high level of criminality in the area of conflict and the inability of local law enforcement agencies to deal with the problem effectively. The inadequacies of Abkhaz law enforcement are particularly evident in the lower Gali security zone, while the Georgian authorities do not seem to exercise full control over the upper part of the Kodori Valley.

17. The most serious security incident during the period occurred, for the third time in 14 months, in the Kodori Valley. On 10 December, two UNOMIG vehicles returning from patrol in the lower part of the valley, which is under Abkhaz control, were ambushed near the last, newly established checkpoint of the CIS peacekeepers. One vehicle was stopped, and two UNOMIG military observers were abducted by unidentified armed individuals and moved to the upper part of the valley — which is under Georgian control — where they were held for three days. During the incident, my Special Representative and the Chief Military Observer maintained close contact at the highest level with the Georgian Government and the Abkhaz authorities, as well as with the Commander of the CIS peacekeeping force. President Shevardnadze sent his Special Representative to the Kodori Valley to negotiate the release of the abducted personnel. These efforts proved successful when the two military observers were released on 13 December. UNOMIG has been assured by the Georgian side that no ransom was paid. Following the incident, my Special Representative reminded the Georgian side that no one had yet been brought to justice in the wake of similar deeds in the Kodori Valley in October 1999 and June 2000, and that this climate of impunity could not be allowed to continue.

18. During the reporting period, UNOMIG witnessed an increase in demonstrations and blocking of roads by internally displaced persons in the Zugdidi sector. The demonstrators demanded payment of allowances and subsidies and the delivery of humanitarian assistance by the Georgian authorities. On 21 November, a UNOMIG patrol was detained for more than an hour by

a demonstration north of Zugdidi, and, on 27 December, a demonstration was held outside the UNOMIG Zugdidi sector headquarters demanding United Nations mediation of the issue.

VI. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

19. Cooperation between UNOMIG and the CIS peacekeeping force remains very close. During the hostage-taking incident in December, the CIS peacekeepers responded promptly to the Mission's request for assistance by dispatching an armoured vehicle to the area of the incident and conducting a search. Earlier, UNOMIG and the CIS peacekeepers had worked in close cooperation on the construction of a new checkpoint close to the ceasefire line in the Kodori Valley. In order to improve security, UNOMIG and the CIS peacekeeping force continue to exchange information, particularly with respect to incident investigations.

VII. Humanitarian situation and human rights

20. During the reporting period, the grave humanitarian situation and the activities of the humanitarian agencies in Abkhazia, Georgia, remained as reported previously (see S/2000/1023, paras. 21 and 22).

21. UNHCR remains ready to provide reintegration assistance to returnees in the security zone should the Abkhaz and Georgian sides agree on and implement steps towards tangibly improving the security situation further to the security arrangements already established in the Coordinating Council framework. However, for the time being, criminality and sporadic paramilitary activities continue to raise concerns about the safety of the sizeable population that has already returned spontaneously despite the security threats, and of United Nations civilian personnel. There are continuing consultations by UNHCR with the two sides, initiated at the request of my Special Representative, to explore conditions for a constructive meeting of Working Group II on refugees and internally displaced persons, which could help address this situation. In addition to security concerns, the current financial situation of UNHCR makes it difficult to ensure an adequate deployment of staff in the zone of conflict. However, efforts are being made for a limited resumption of protection-monitoring activities by UNHCR staff in accessible parts of the security zone.

22. The Government of Georgia and the humanitarian agencies continued to work towards the implementation of the "new approach" to assistance for internally displaced persons, whereby those persons are treated like all other citizens of Georgia and are provided with aid at the location of displacement, pending their eventual return (see S/2000/345, para. 24).

23. The human rights situation of returnees in the Gali district remains precarious. Several violations of the right to life and physical integrity, as well as the right to liberty and security of the person, were registered. The presence of illegal armed groups remained a matter of great concern. The killing on 15 August of Zurab Achba (see S/2000/1023, para. 25) remains unresolved. In this environment, the United Nations human rights office in Sukhumi continued its activities in various fields: visiting prison inmates and inspecting their condition, building capacity of local non-governmental organizations, monitoring criminal trials and carrying out human rights education and training programmes, such as the recent seminar for law-enforcement officials. The establishment of a branch office in Gali is still pending, but was recommended in the preliminary findings of the joint assessment mission and will hopefully be possible with the consent of all parties concerned. Meanwhile, staff from the human rights office in Sukhumi visits the Gali region regularly.

VIII. Financial aspects

24. By its resolution 54/271 of 15 June 2000, the General Assembly appropriated an amount of $30,048,197 (gross), equivalent to $2,504,016 per month, for UNOMIG for the period from 1 July 2000 to 30 June 2001. The assessment of these amounts is subject to any decision by the Security Council to extend the mandate of the Mission.

25. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 January 2001, as

recommended in paragraph 34 below, the cost of maintaining the Mission until 30 June 2001 would be limited to the monthly amounts approved by the General Assembly. I shall report to the Assembly on the additional resources needed, if any, for the maintenance of the Mission beyond 30 June 2001.

26. As at 31 December 2000, unpaid assessed contributions to the special account for UNOMIG amounted to $16.1 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.9 billion.

IX. Observations

27. The continued lack of progress on the fundamental issue of the future political status of Abkhazia within the State of Georgia is regrettable and could jeopardize the whole peace process in the future. Both sides must show a stronger political will in order to overcome the present impasse. I appeal, in particular, to the Abkhaz side to demonstrate more flexibility and willingness to address the core political questions of the conflict. In this connection, the draft document on basic principles for the distribution of competencies between Tbilisi and Sukhumi should be finalized at the earliest time so that it can be presented to the parties by my Special Representative and the group of Friends of the Secretary-General. In order to move forward, a consensus position of the group of Friends on the draft document is essential.

28. The situation of refugees and internally displaced persons is another issue of serious concern. As a significant first step towards a solution of this problem, both sides should engage in meaningful action in order to enable the return of people to the Gali district in conditions of dignity, safety and security. In this context, I welcome the cooperation extended by both sides to facilitate the recent joint assessment mission to the Gali district. I urge the parties to assist also in the implementation of the mission's recommendations.

29. The absence of effective law enforcement and the continuing extreme economic hardship in the UNOMIG area of operations contribute to the overall volatility of the situation, which, if not remedied, might deteriorate. Bearing that in mind, and in the light of the obligation of UNOMIG under its mandate to "contribute to conditions conducive to the safe and orderly return of refugees and displaced persons", the Mission will, together with the Resident Coordinator and Humanitarian Coordinator, explore the possibilities for increasing humanitarian aid to the population, including by allocating in the UNOMIG budget a sum for limited ad hoc assistance.

30. It is hoped that the third Meeting on Confidence-building Measures now planned for March 2001 in Yalta will facilitate the much-needed process of reconciliation and strengthen the ongoing positive trend towards establishing and developing mutual contacts at various levels between both sides, thus contributing to mutual understanding and confidence. Both sides should seriously consider the positive impact which confidence-building measures can have on the peace process.

31. The restrictions imposed by the Abkhaz authorities on the Mission's freedom of movement constitute a violation of the Agreement on a Ceasefire and Separation of Forces of 14 May 1994 (S/1994/583 and Corr.1, annex I), as well as of the principles guiding United Nations peacekeeping operations. For UNOMIG to be fully effective on the ground, the Abkhaz side has to fully respect the Mission's freedom of movement at all times.

32. The Georgian and the Abkhaz sides bear the primary responsibility for the security of UNOMIG military and civilian personnel. They have the obligation to ensure an environment that will allow UNOMIG to carry out its mandate properly. Recurrent abductions, the most recent of which occurred on 10 December, and the rampant criminality in the zone of conflict give rise to serious concern. The two sides should make it a priority to improve cooperation between their law enforcement agencies. They should also implement still more resolutely the measures agreed upon in the framework of the Coordinating Council.

33. In the same context, I appeal to the Government of Georgia to bring to justice the perpetrators of the hostage-taking incidents of October 1999, June 2000 and December 2000. Security can be fully restored only if it is made clear that these acts are not allowed to pass with impunity. The Georgian side also needs to create the necessary security conditions in the upper part of the Kodori Valley to allow UNOMIG to fully carry out its mandate in this area.

34. I remain convinced that UNOMIG, through its monitoring presence on the ground, plays a crucial role

in the stabilization of the zone of conflict. Its sustained efforts to further the negotiation process also represent a central element in the search for a peaceful settlement of the conflict. I therefore recommend that the mandate of UNOMIG be extended for a further six-month period, until 31 July 2001.

35. My Special Representative, the Chief Military Observer and the men and women of UNOMIG are to be commended for their dedication to the cause of peace and for their steadfastness in carrying out their challenging and sometimes dangerous tasks.

Annex I

United Nations Observer Mission in Georgia: contributions as at 10 January 2001

Country	*Military observers*
Albania	1
Austria	3[a]
Bangladesh	7
Czech Republic	5
Denmark	5
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	8[b]
Poland	4
Republic of Korea	3
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
United Kingdom of Great Britain and Northern Ireland	7
Uruguay	3
United States of America	2
Total	**103**

[a] Including the Deputy Chief Military Observer.
[b] Including the Chief Military Observer.

Annex II

Joint assessment mission to the Gali district

(20-24 November 2000)

From 20 to 24 November 2000, the joint assessment mission to the Gali district was carried out, under the aegis of the United Nations and within the framework of the United Nations-led Geneva peace process for the settlement of the conflict in Abkhazia, Georgia. The mission evaluated conditions relevant to the safe, secure and dignified return of refugees and internally displaced persons to the Gali district, including those who have already returned. It was envisaged that those efforts would foster greater international support for the process of return and contribute to the general stability in the area.

The mission, carried out at the expert level, was led by the head of the United Nations Human Rights Office in Abkhazia, Georgia, and the deputy head of the mission was a member of the Organization for Security and Cooperation in Europe (OSCE) mission to Georgia. The United Nations Observer Mission in Georgia (UNOMIG), the Office of the United Nations High Commissioner for Refugees, United Nations Headquarters in New York, the Office for Democratic Institutions and Human Rights, the OSCE Office of the High Commissioner for National Minorities, the Council of Europe and the European Commission also provided representatives, and a representative of the International Committee of the Red Cross was present as an observer. Logistical support was provided by UNOMIG.

Before the mission commenced its work, the Special Representative of the Secretary-General, in cooperation with the head of the OSCE mission in Georgia, carried out consultations with the Georgian and Abkhaz sides and agreed on the terms of reference for the mission. In addition, the United Nations held close consultations with the Abkhaz side concerning the programme for the work of the mission.

In the course of its work, the mission met with the head of administration of the Gali district and other district-level officials. It visited all 24 villages of the Gali district and spoke with the heads of administration of the villages, members of the Abkhaz law enforcement agencies, the Commonwealth of Independent States peacekeeping force, school directors and teachers, health officials, members of village self-defence units and local residents. The mission also talked to district-level representatives of the Autonomous Republic of Abkhazia government-in-exile, who are based in Zugdidi.

Preliminary information and ideas resulting from the mission's work follow, pending the submission of its final report and recommendations.

Preliminary information

United Nations Human Rights Office in Abkhazia, Georgia, branch office

The mission found that the human rights situation throughout the Gali district was precarious. On this basis, the mission would find it useful for the Special Representative of the Secretary-General to seek the consent of the Georgian and Abkhaz sides to the opening in Gali of a branch office of the United Nations Human

Rights Office in Abkhazia, Georgia. "Consent" should be understood as more than mere acquiescence. It should include active support and facilitation by both sides and the acceptance of accountability by the Abkhaz side for the responsiveness of the Gali district-level partners of the branch office staff. The branch office would function on the basis of the same mandate as the United Nations Human Rights Office. As a part of the implementation of this mandate, the Office would formulate proposals for improving the overall human rights situation in the Gali district for possible submission by the Special Representative of the Secretary-General to the two sides.

Law enforcement

The mission has found that while many interlocutors report that the overall security situation has improved in recent months, there is still a lack of effective law enforcement throughout the Gali district. Possible modalities for redressing the situation may include improved training; further integration of the local population into law enforcement structures; and broader cooperation between the respective law enforcement organs of the Georgian and Abkhaz sides operating on either side of the ceasefire line. The mission recommends that the Special Representative seek additional expertise on this matter, with a view to putting forward concrete proposals to the two sides. As a first step in this direction, the Special Representative may wish to consider including as a staff member of the Gali branch of the Human Rights Office an expert in the field of law enforcement.

Language of education

The mission found that teachers and parents of school-age children in the Gali district are dissatisfied with current policies and practices governing the language of education used in Gali district schools, as a result of which many students receive only an incomplete education. Furthermore, the practices in place create obstacles for those students who wish to seek further higher education. If the present course is pursued, it might result in a situation in which some higher-level subjects, required for graduation, cannot be competently taught, and schools might then be wholly unable to grant diplomas. The mission notes that the Special Representative has engaged in consultations with the Georgian and Abkhaz sides and facilitated bilateral talks between the sides on this matter. It urges him to continue, and also to explore, at an appropriate stage, the possibilities for the provision of concrete assistance by other international organizations. The mission urges the two sides to find the political will to reach a compromise and resolve this matter in the nearest future.

Social infrastructure

The mission gained the impression that basic aspects of social infrastructure, such as health care, water supply, electricity, educational facilities and public transportation, were in poor condition. While primary responsibility for the provision of social services rests with the Administration, the Special Representative may wish to consider with relevant international and non-governmental organizations possibilities for addressing and improving those conditions.

Civil society

The mission identified some noteworthy local efforts to organize as a community, particularly in the field of education. On the whole, however, the mission found that civil society was extremely weak. The mission would suggest that the Special Representative bear this issue in mind and raise it as appropriate with those in a position to help.

Security climate

The mission found that most interlocutors reported that the overall security climate had improved in recent months, but at the same time remained precarious. In this context, the mission suggested that the Special Representative continue to urge the two sides to implement the provisions of the agreements they had reached on security matters and to continue their active contacts in this field through direct bilateral meetings and the weekly quadripartite meetings as necessary.

Reintegration of returnees

The mission noted the view of many of its interlocutors that the local population of the Gali district was currently under-represented in various structures of local administration. The mission recommends that the Special Representative continue to raise this issue with the relevant authorities and to urge further reintegration of the returnee population, while stressing that measures of a compulsory nature should be discouraged.

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United Nations S/2001/60

Security Council

Distr.: General
18 January 2001

Original: English

Letter dated 18 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

I have the honour to attach a statement (see annex) issued by the Government of Uganda following the recent political developments in the Democratic Republic of the Congo.

I should be grateful if you would bring this statement to the attention of the members of the Council and circulate it as a document of the Security Council.

(*Signed*) Fred **Beyendeza**
Chargé d'affaires a.i.

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Annex

Statement on recent developments in the Democratic Republic of the Congo

The Government of Uganda has followed with concern recent political developments in the Democratic Republic of the Congo involving the assassination of President Laurent Kabila.

The Government wishes to make it clear that it does not approve of political assassination as a method of removing leaders from power.

While the Government of Uganda has had some differences with the Kinshasa regime under the leadership of Laurent Kabila, these differences were based on policies rather than personalities. For this reason the Government of Uganda will be prepared to work with whoever assumes effective leadership in Kinshasa in order to establish peace in the region.

The Government of Uganda appeals to the new leadership in Kinshasa to give top priority to the building of peace in the region within the framework of the Lusaka Ceasefire Agreement. In particular, the new leadership is urged to address the security interests of neighbours of the Democratic Republic of the Congo, including Uganda, and to convene a national dialogue that should lead to the establishment of a new political dispensation in the country.

Meanwhile the Government of Uganda wishes to make it clear that it does not intend to take advantage of the current political crisis in the Democratic Republic of the Congo.

Finally, the Government of Uganda wishes to refute press rumours which have been attributed to Mr. Godefroid Tcham'lesso, Minister Delegate for Defence of the Democratic Republic of the Congo, linking the Government of Uganda to the assassination of the late President Laurent Kabila.

United Nations S/2001/61

Security Council

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Letter dated 11 January 2001 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 827 (1993) of 25 May 1993, by which the Council established the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("the International Tribunal").

I also have the honour to refer to Security Council resolutions 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000, by which the Council amended the Statute of the International Tribunal, as adopted in resolution 827 (1993).

Article 13 of the Statute of the International Tribunal, as so amended, provides, in part, as follows:

"Article 13
"Qualifications of judges

"The permanent and *ad litem* judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

"Article 13 *bis*
"Election of permanent judges

"1. Fourteen of the permanent judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

"(a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

"(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the

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qualifications set out in article 13 of the Statute, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a judge of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Criminal Tribunal for Rwanda") in accordance with article 12 of the Statute of that Tribunal;

"(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-eight and not more than forty-two candidates, taking due account of the adequate representation of the principal legal systems of the world;

"(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect fourteen permanent judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

"2. In the event of a vacancy in the Chambers among the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 13 of the Statute, for the remainder of the term of office concerned.

"3. The permanent judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible for re-election."

Pursuant to what is now paragraph 1 (a) of article 13 bis of the Statute of the International Tribunal, following the amendments that were introduced by the Security Council in its resolution 1329 (2000) of 30 November 2000, States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters were invited, by means of a letter dated 10 November 2000, to submit nominations for 14 permanent judges of the International Tribunal and were informed that, within 60 days of the date of the letter, they might nominate up to two candidates meeting the qualifications set out in what is now article 13 of the Tribunal's Statute, as so amended.

Pursuant to paragraph 1 (c) of article 13 bis of the Statute of the International Tribunal, as amended by the Security Council in its resolution 1329 (2000) of 30 November 2000, I have the honour herewith to forward to the Security Council the 24 nominations which I have received from States Members of the United Nations

and non-member States maintaining permanent observer missions at United Nations Headquarters within the 60-day period specified in paragraph 1 (b) of article 13 bis of the Statute, as so amended. The list of candidates,* in English alphabetical order, is contained in the annex to the present letter, together with the curricula vitae which have been provided to me in connection with their nominations.

I would note in this connection that the number of candidates whose nominations I have received is short of the minimum number of 28 which it is stipulated in paragraph 1 (c) of article 13 bis of the Statute of the International Tribunal's, as amended, should appear in the list which the Security Council is to establish for transmission to the General Assembly.

I would also take this opportunity to note that, pursuant to paragraph 3 of article 13 bis of the Statute of the International Tribunal, as amended, the permanent judges of the International Tribunal elected in accordance with that article are to serve on a full-time basis and thus may not engage in any other occupation of a professional nature during their term of office. Once elected to the International Tribunal, they are expected to take up residence at its seat in The Hague.

(*Signed*) Kofi A. **Annan**

* Circulated only to the members of the Security Council.

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The situation in the Middle East

Security Council
Fifty-sixth year

Letter dated 17 January 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to my previous letters on the same subject, I have the honour to inform you hereunder of a series of violations of Lebanon's sovereignty that were committed by Israel on land, at sea and in the air between 13 and 31 December 2000.

13 December 2000

At 1440 hours bursts of machine-gun fire were heard coming from the occupied Ruwaysat al-Alam outpost in an outlying area of Kafr Shuba (in the occupied Shab`a farmlands).

14 December 2000

Israeli forces removed the electrified barbed-wire perimeter defences around the Shu`ayb al-Kasir outpost in the occupied Shab`a farmlands.

At 0315 and 0345 hours an Israeli gunboat in Israeli territorial waters off Ra's al-Naqurah launched four illumination flares over a fishing boat in Lebanese territorial waters. The fishing boat advanced and came to a halt near the Israeli craft at the maritime boundary before heading out to sea.

On the night of 13/14 December Israeli forces dismantled the metal grid around their Rus outpost (in the occupied Shab`a farmlands).

16 December 2000

At 1325 hours Israeli warplanes overflew the Jba` area at very high altitudes, breaking the sound barrier.

At 1320 and 1500 hours Israeli warplanes overflew the South, the western and central Bekaa, the North and Mount Lebanon, breaking the sound barrier.

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Between 1330 and 1900 hours an Israeli reconnaissance aircraft overflew the western Bekaa and the South at very high altitudes.

At 1720 and 1740 hours Israeli forces fired several 81-mm mortar rounds at areas around their outpost at Jabal al-Rus in the Shab`a farmlands.

At 1930 and 2100 hours an Israeli reconnaissance aircraft overflew the occupied Shab`a farmlands at very high altitude.

At 2035 and 2330 hours an Israeli gunboat off Ra's al-Naqurah launched five illumination flares over Israeli territorial waters and fired several bursts.

17 December 2000

At 1305 and 1325 hours Israeli warplanes overflew all parts of Lebanon at very high altitudes while breaking the sound barrier, and an Israeli reconnaissance aircraft overflew the western Bekaa. Israeli warplanes also overflew the Jba` area at very high altitudes, breaking the sound barrier.

18 December 2000

At 1215 and 1230 hours Israeli warplanes overflew Tyre and Nabatiyah while breaking the sound barrier.

19 December 2000

At 1940 hours an Israeli gunboat off Ra's al-Naqurah launched three illumination flares over an area outside Lebanese territorial waters.

Israeli forces were building a road from Abbasiyah to Majidiyah along the Lebanese border.

20 December 2000

At 1030 hours Israeli warplanes overflew the occupied Shab`a farmlands.

21 December 2000

At 1245 hours Israeli forces fired two tank shells at the Mazra`at Bastara vicinity (in the Shab`a farmlands) from one of their outposts in the same area. They impacted near a flock of goats without causing damage.

At 1135 and 1155 hours Israeli forces opened fire from their outposts at Ruwaysat al-Alam and Summaqah in the occupied Shab`a farmlands.

22 December 2000

Between 1745 and 1815 hours two Israeli helicopters flew along the Lebanese border over outlying areas of Markaba and Hula. A helicopter also flew over the vicinity of the Israeli forces' outpost at Summaqah (Shab`a farmlands) and over the Kafr Shuba vicinity towards the liberated territories.

Huge bulldozers working on trenches and large pits and Israeli trucks loaded with barrels were seen at Mazra`at Zibdin in the occupied Shab`a farmlands. It is believed that this is an attempt to bury toxic waste in these occupied farmlands.

At 0840 hours Israeli warplanes overflew the South.

At 1745 and 1815 hours two Israeli helicopters flew along the Lebanese border over outlying areas of Markaba and Hula, over Summaqah and over outlying areas of Kafr Shuba towards the liberated territories.

At 0600 and 0651 hours an Israeli patrol in the occupied Shab`a farmlands directed several bursts of medium- and light-weapons fire at the area around the Ramta outpost.

At 1830 and 2015 hours an Israeli reconnaissance aircraft overflew the Marj Uyun area at very high altitude.

Between 2200 and 2210 hours Israeli forces strafed the area around their outposts at Summaqah and Ruwaysat al-Alam (in the occupied Shab`a farmlands) with medium-weapons fire. An Israeli helicopter also overflew the same two outposts.

Between 1450 and 1500 hours Israeli forces strafed the area around their outpost at Summaqah hill.

Between 1500 and 1645 hours an Israeli reconnaissance aircraft overflew the occupied Shab`a farmlands and the Marj Uyun area at very high altitude.

At 1630 hours Israeli enemy troops in the occupied Ruwaysat al-Summaqah locality in an outlying area of Kafr Shuba fired several bursts from sophisticated weapons.

At 1700 hours an anti-personnel landmine, one of the remnants of the Israeli occupation, exploded in the Manarah locality in an outlying area of Hula along the Lebanon-Palestine border. A passing donkey was killed but there were no human casualties.

23 December 2000

At 0630 and 0640 hours Israeli forces strafed the area around their outpost at Ramta hill (in the occupied Shab`a farmlands) with medium-weapons fire. An Israeli helicopter also flew over the outpost.

26 December 2000

In the morning Israeli forces at the Misgav Am outpost opposite Udaysah began to erect a very large umbrella-shaped radar installation. They also built a concrete foundation some 40 square metres in area at the Abbadah outpost.

Between 1155 and 1200 hours an Israeli helicopter flew over the Ruwaysat al-Alam outpost in the occupied Shab`a farmlands.

At 1300 hours Israeli forces at one of their outposts in the occupied Shab`a farmlands fired two 81-mm mortar rounds and directed a number of bursts of medium-machine-gun fire at the area around Mazra`at Bastara and in the vicinity of a flock belonging to Qasim Ali Zuhrah (born in Shab`a in 1960, mother's name A'ishah and a resident of Mazra`at Bastara).

At 2130 hours Israeli forces launched four illumination flares over the sea off Ra's al-Naqurah along the Lebanon-Israel boundary from one of their positions in the occupied territories opposite the town of Marjin.

27 December 2000

At 1000 and 1115 hours Israeli warplanes overflew all parts of Lebanon at various altitudes.

Between 1220 and 1310 hours Israeli warplanes overflew the South and Hasbayya, launching heat balloons.

Between 1230 and 1430 hours an Israeli reconnaissance aircraft overflew the occupied Shab'a farmlands at very high altitude.

At 1400 hours an Israeli gunboat outside Lebanese territorial waters off Ra's al-Naqurah fired several bursts of medium-weapons fire in all directions.

At 2145 hours Israeli forces launched three illumination flares over the southern Lebanese border opposite Dahirah from their positions in the occupied territories.

28 December 2000

Between 1100 and 1400 hours Israeli warplanes overflew all parts of Lebanon at very high altitudes breaking the sound barrier.

Between 1245 and 1250 hours three Israeli helicopters overflew the occupied Shab'a farmlands.

Between 1305 and 1445 hours an Israeli soldier opened fire on some citizens at the tomb of Shaykh Abbad. An 8-year-old child, Mustafa Ali Yasin, received a bullet in the right arm. Qasim Muhammad Arandas was wounded in the foot; Nawfal Ghazi Ali received a bullet in the left leg; and Muhammad Ala' al-Din was wounded in the right arm.

At intervals between 1530 and 1700 hours Israeli forces strafed the areas around their outposts at Ruwaysat al-Alam and Summaqah in the occupied Shab'a farmlands with medium-weapons fire. An Israeli reconnaissance aircraft also overflew the same area.

Between 1810 and 1825 hours three Israeli helicopters and a reconnaissance aircraft overflew the occupied Shab'a farmlands.

29 December 2000

At 1245 hours one of the personnel in an Israeli patrol fired a round into the air at the Fatimah Gate.

Between 1845 and 1850 hours Israeli forces launched four illumination flares over the area between their outpost at Ruwaysat al-Alam and that at Ramta in the farmlands opposite Kafr Shuba.

Between 1945 and 2025 hours two Israeli helicopters flew over the Ruwaysat al-Alam and Ramta outposts at very high altitudes.

30 December 2000

At 1430 hours Israeli troops at the Fatimah Gate fired at Hilal Ahmad al-Hajj, 22, hitting him in the head and killing him.

31 December 2000

Between 1130 and 1135 hours Israeli forces strafed the areas around their outposts at Summaqah hill and Ruwaysat al-Alam hill in the occupied Shab'a farmlands with medium-machine-gun fire.

Between 1150 and 1205 hours Israeli forces fired five direct-fire rounds and a number of bursts of medium-weapons fire from their outpost at Ramta in the Shab'a farmlands. Two Israeli helicopters also flew over the outpost.

Between 1900 and 1945 hours an Israeli reconnaissance aircraft overflew the occupied Shab'a farmlands.

This latest series of violations, which caused the death of one citizen at the Fatimah Gate and involved the detonation of landmines left behind by the Israeli occupation that caused serious damage, is in flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty. It poses a threat to stability in the region, and Lebanon regards it as an extension of Israel's aggression against its people and territory.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Sélim **Tadmoury**
Ambassador
Permanent Representative

United Nations S/2001/63

Security Council

Distr.: General
19 January 2001

Original: English

Letter dated 19 January 2001 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 11 January 2001 (S/2001/61), by which you forwarded to the Security Council the 24 nominations for permanent judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the period specified in paragraph 1 (b) of article 13 bis of the Statute of the Tribunal, has been brought to the attention of the Security Council.

The Council noted the information contained therein and decided to extend the deadline for the nomination of permanent judges for the Tribunal until 31 January 2001.

I should be grateful if you would inform States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters accordingly.

(*Signed*) Kishore **Mahbubani**
President of the Security Council

01-22075 (E) 190101

United Nations S/2001/64

Security Council

Distr.: General
19 January 2001

Original: English

Letter dated 19 January 2001 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith a copy of the letter addressed to me dated 12 January 2001 from Lansana Kouyaté, Executive Secretary of the Economic Community of West African States (see annex).

I should be grateful if this letter could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Kofi A. **Annan**

01-22051 (E) 190101

Annex to the letter dated 19 January 2001 from the Secretary-General addressed to the President of the Security Council

Letter dated 12 January 2001 from the Executive Secretary of the Economic Community of West African States addressed to the Secretary-General

Economic Community of West African States intervention in Guinea-Liberia armed incursions

The leaders of the Economic Community of West African States (ECOWAS) have been following the deteriorating security situation along the borders of Guinea and Liberia with grave concern, recognizing the serious threat to the peace and security of the subregion, posed by the evolving events within those areas. Thus, the situation has been closely monitored and various mediation efforts initiated to arrest the situation.

Consequently, it was decided at the twenty-fourth summit of ECOWAS heads of State and Government, held in Bamako on 15 December 2000, that a force of about two battalions of ECOWAS troops be deployed along the border areas of Guinea and Liberia to help stop further armed incursions and restore peace in those areas.

As a result of the decision of the heads of State and Government, an emergency meeting of the ECOWAS Defence Security Commission was convened on 27 and 28 December 2000 to work out modalities for deployment. The meeting was ably assisted by your Special Representative in Sierra Leone and United Nations Mission in Sierra Leone (UNAMSIL) military officers. Principal staff officers of ECOWAS troop-contributing countries, your Special Representative in Sierra Leone, officers of the Department of Peacekeeping Operations and UNAMSIL officers also met at ECOWAS headquarters on 12 and 13 January 2001 to finalize arrangements.

In order to successfully discharge their mandate, there is every likelihood that the ECOWAS troops may need to employ strong rules of engagement at these border areas.

You are therefore kindly requested to use your good offices and to do all that is necessary to bring to the attention of the Security Council the possibility of the use of some measure of enforcement action by the ECOMOG troops in implementing their mandate.

Furthermore, we graciously count on your assistance in mobilizing international support for this mission to avert another humanitarian disaster.

(*Signed*) Lansana **Kouyatev**

United Nations S/2001/65

Security Council

Distr.: General
19 January 2001

Original: English

Letter dated 19 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward herewith a press release dated 19 January 2001 issued by the Minister of Foreign Affairs and Regional Cooperation of the Republic of Rwanda, His Excellency Mr. André Bumaya, following the sudden death of President Laurent Désiré Kabila (see annex), condemning any act of assassination as a means of resolving differences, and at the same time reaffirming Rwanda's commitment to the Lusaka Peace Agreement, thus reassuring the Government and the People of the Democratic Republic of the Congo and the partners in the Lusaka Peace Process that Rwanda does not intend to take any advantage of the current leadership crisis in the Democratic Republic of the Congo.

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Isidore **Munyakazi**
Chargé d'affaires a.i.

01-22045 (E) 190101

Annex to the letter dated 19 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the President of the Security Council

Press release

The Government of the Republic of Rwanda has learned of the death of President Laurent Désiré Kabila of the Democratic Republic of the Congo. The Government of Rwanda condemns any act of assassination as a means of resolving differences.

The Government of Rwanda categorically refutes the outrageous allegation by the Democratic Republic of the Congo Minister of Defence to the effect that Rwanda was in any way involved in the alleged assassination.

Rwanda is still involved in a war in the Democratic Republic of the Congo to fight the forces which committed genocide in Rwanda and are operating from the Congolese territory with the support of the Government of the Democratic Republic of the Congo. Rwanda still believes that the Lusaka Peace Process is the best framework to resolve the conflict in the Democratic Republic of the Congo, and will continue to work for the implementation of the Lusaka Peace Agreement.

The Democratic Republic of the Congo and the entire Great Lakes region need peace for development. The Democratic Republic of the Congo will evolve to address both the internal and external causes of the conflict in the existing Lusaka framework.

In the meantime, the Government of Rwanda wishes to reiterate its commitment to the principle of good neighbourliness, and will work very closely with whoever is genuinely working towards this end. The Government of Rwanda would like to reassure the Government and people of the Democratic Republic of the Congo and our partners in the Lusaka Peace Process that we do not intend to take any advantage of the current leadership crisis in the Democratic Republic of the Congo.

United Nations S/2001/66

Security Council

Distr.: General
22 January 2001

Original: English

Report of the Secretary-General on the United Nations Interim Force in Lebanon

(for the period from 18 July 2000 to 18 January 2001)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1310 (2000) of 27 July 2000, by which the Council extended the mandate of the United Nations Interim Force in Lebanon (UNIFIL) for a further period of six months, until 31 January 2001. On 31 October 2000, I submitted an interim report (S/2000/1049) as requested in resolution 1310 (2000). Matters covered in that report are not repeated here, except as necessary.

II. Situation in the area of operation

2. The situation in UNIFIL's area of operation remained generally stable throughout the reporting period, although there were numerous minor violations of the Line of Withdrawal, the so-called "Blue Line". Such violations were largely the result of Israeli construction work on a technical fence along the line and of crossings by Lebanese shepherds and sometimes vehicles in places where the Israeli fence is some distance from the line. There were, however, occasional incidents at certain sensitive locations and five serious breaches of the line (see para. 4 below).

3. As reported in October, the main points of friction were at Sheikh Abbad Hill east of Hula and at the Fatima gate west of Metulla. Demonstrators on the Lebanese side gathered frequently at those locations and threw stones and other objects at Israeli personnel across the line, in some cases causing injuries. This activity declined somewhat during the holy month of Ramadan. In some cases, the demonstrators provoked Israeli firing, as on 28 December at Sheikh Abbad Hill, when Israeli soldiers fired in response to the throwing of what turned out to be firecrackers and the pointing of a toy pistol, injuring five Lebanese. The demonstrators dispersed but returned after a while; one of them made to throw a hand grenade but was restrained by others. On 30 December, a Lebanese man was shot and killed by Israeli soldiers when he attempted to breach the technical fence at Fatima gate. On the following day, shots fired from the Lebanese side south-east of Ayta ash Sha'b seriously wounded an Israeli civilian.

4. Five serious breaches of the Blue Line occurred in the so-called "Shab'a farms" area, in the foothills of Jabal ash-Sheikh (Mount Hermon) south-east of Kafr Shuba. In addition to the attacks on 7 and 20 October, which I detailed in my interim report, Hizbollah launched two attacks across the Blue Line at Israeli targets in that area. On 16 November, Hizbollah detonated several roadside bombs in an attack on an Israel Defence Forces convoy, injuring two Israeli soldiers. On 26 November, another roadside bomb killed an Israeli soldier and injured two others. In retaliation, the Israel Defence Forces fired artillery and dropped two bombs north of the Blue Line. On 3 January, an unidentified group fired 35 mortar rounds from south of Kafr Shuba at an Israeli position across the line. The Israeli forces responded with artillery and small-arms fire. Israeli violations of Lebanese air space, which had resumed after Hizbollah's attack on 7 October, continued on an almost daily basis.

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5. Last May, when the United Nations identified the Blue Line for the purpose of confirming the Israeli withdrawal, the Shab'a farms area was left outside the Blue Line on grounds that are described in detail in the Secretary-General's report of 22 May 2000 (S/2000/460, paras. 11-19). Subsequently, the Governments of Israel and Lebanon, notwithstanding certain reservations, confirmed that they would respect the line as identified by the United Nations. In resolution 1310 (2000), the Security Council called on the parties to respect that line. Since last November, the Government of Lebanon has asserted that the Blue Line is not valid in the Shab'a farms area and has claimed the right to use every means, including force, against the Israeli forces occupying it.

6. The overall security situation in UNIFIL's area of operation has remained good and shown further improvement since October. Residents who were away during the Israeli occupation continued to return. In addition, former members of the former de facto forces and their families, about 1,600 in all, have returned to Lebanon.

7. The Lebanese authorities continued to control the area through the civil administration, police, and the Joint Security Force, composed of Internal Security Forces and Lebanese army, that deployed last August. The reintegration of communications, infrastructure, health and welfare systems with the rest of the country made further progress, albeit at a slow pace. As before, however, the Lebanese army and security forces did not operate close to the Blue Line, where control was left to Hizbollah, which also provides some social, medical and education services to some villages. Hizbollah patrols were little in evidence during Ramadan but increased at the end of December. They were usually unarmed. On occasion, Hizbollah members interfered with UNIFIL's freedom of movement.

8. UNIFIL maintained close liaison with the Lebanese and Israeli authorities. It acted to minimize friction between the parties and, through its network of observation posts and regular ground and air patrols, UNIFIL monitored the situation along the Blue Line, observing and reporting. All violations were taken up with the party concerned and most of them were easily corrected.

9. UNIFIL continued to assist the civilian population in the form of medical care, water projects, equipment or services for schools and orphanages, supplies of social services to the needy and finding potential donors for such projects. This assistance was provided from resources made available by troop-contributing countries. UNIFIL's medical centres and mobile teams provided medical care to an average of 1,500 civilian patients per month. A field dental programme treated approximately 150 cases per month. Veterinary assistance has been extended to some villages within UNIFIL's area of operation. UNIFIL cooperated closely on humanitarian matters with the Lebanese authorities, United Nations agencies, the International Committee of the Red Cross and other organizations and agencies operating in Lebanon.

10. The large number of mines and unexploded ordnance remained a matter of concern. Since last July, a total of 5 persons died and 26 were injured as a result of exploding mines and ordnance. The data collected by UNIFIL so far suggest a high level of mine saturation affecting the whole area formerly controlled by Israel. Clearing them will require a concerted effort, including foreign assistance. The Government of Lebanon has taken the lead in organizing this effort, to which the United Nations is lending its support. Since last July, UNIFIL has demolished more than 2,000 mines and rounds of unexploded ordnance.

11. The United Nations Development Programme (UNDP) continued its support to the Lebanese Council for Development and Reconstruction for a programme of socio-economic rehabilitation and development in southern Lebanon. The programme provides a platform for action at the community level and is focused on the local civil society and private sectors. The Government of Lebanon and UNDP have each provided an initial amount of $1 million. UNDP has opened an office in Tyre from which the programme is managed.

III. Organizational matters

12. Over the last six months, UNIFIL underwent an augmentation and carried out a major redeployment. An engineer battalion from Ukraine of 646 all ranks arrived on 20 July 2000. The small mine-clearance unit from Sweden temporarily strengthened the mine-clearing capacity in connection with the redeployment. Finland provided the full complement of 64 armoured personnel carriers, and Italy 2 additional helicopters. A map showing the current deployment of UNIFIL is attached.

13. As of 30 December 2000, UNIFIL comprised 5,800 troops, from Fiji (594), Finland (645), France (254), Ghana (787), India (791), Ireland (609), Italy (68), Nepal (723), Poland (633) and Ukraine (650). The Swedish component (45) left on 27 December, as planned. UNIFIL was assisted in its tasks by 51 military observers of the United Nations Truce Supervision Organization (UNTSO). In addition, UNIFIL employed 480 civilian staff, of whom 130 were recruited internationally and 350 locally. Major General Seth Kofi Obeng continued as Force Commander.

14. I regret to report the death of a Nepalese member of the Force who was killed in a traffic accident. Since the establishment of UNIFIL 235 members of the Force have lost their lives; 78 as a result of firings or bomb explosions, 99 as a result of accidents and 58 from other causes. Firing or mine or bomb explosions wounded a total of 344.

15. Mr. Rolf Knutsson completed his assignment as the Secretary-General's Personal Representative in mid-December. Mr. Staffan de Mistura succeeded him on 15 January 2001.

IV. Financial matters

16. The General Assembly, in its resolution 55/180 of 19 December 2000, appropriated the amount of $86.8 million gross for the expansion of the Force for the period from 1 July 2000 to 30 June 2001, in addition to the amount of $146.8 million gross appropriated by the Assembly in its resolution 54/267 of 15 June 2000. Should the Council decide to extend the mandate of the Force at its current level, the cost of maintaining the Force will be limited to the total monthly rate of $19.5 million gross approved under Assembly resolutions 54/267 and 55/180. However, should the Council decide to extend the mandate of the Force at a reduced level, the cost of maintaining the Force will be adjusted downward accordingly.

17. As at 31 December 2000, unpaid assessments to the Special Account for UNIFIL for the period since its inception from 19 March 1978 amounted to $126.1 million. The total outstanding assessed contributions for all peacekeeping operations amounted to $1,989.4 million.

V. Observations

18. The general situation in south Lebanon has remained calm and orderly. Most of the violations of the Blue Line were minor and quickly corrected once UNIFIL raised them with the party concerned. Nevertheless, reckless behaviour of Lebanese demonstrators on the Blue Line continued, drawing at times an overly harsh response from the Israeli soldiers on the other side and leading to casualties that could and should have been avoided. The greatest cause of concern, however, were the attacks across the Blue Line in the Shab'a farms area, which were deliberate acts in direct breach of the decisions of the Security Council.

19. The simplest and most direct way to ensure calm in the area is for the parties to act in accordance with the decisions of the Security Council, respect the Blue Line in all its parts, as called for by the Security Council, and cooperate effectively with UNIFIL. This implies that the Government of Lebanon asserts its effective authority and maintains law and order throughout its territory up to the line identified by the United Nations. That is its right and duty, consistently upheld by the Security Council and paid for with the lives of United Nations soldiers. I hope very much that the Government of Lebanon will reconsider the position described in paragraphs 5 and 6 above in the light of its commitments and of the decisions of the Security Council.

20. Because of the high tension in Arab-Israeli relations, I did not consider it prudent last October to submit suggestions for the reconfiguration of the United Nations presence in south Lebanon, as I had intended and as the Security Council had requested in resolution 1310 (2000). Although the situation in the region has remained tense, I believe I should now convey my thoughts on this subject to the Security Council for its consideration.

21. Of the three parts of its mandate, UNIFIL has essentially completed two. It has confirmed the withdrawal of Israeli forces and assisted, to the extent it could, the Lebanese authorities as they returned to the area vacated by Israel. UNIFIL functions in close cooperation with those authorities and no longer exercises any control over the area of operation. UNIFIL cannot, of course, compel the Lebanese Government to take the last step and deploy its personnel down to the Blue Line.

22. UNIFIL now focuses on the remaining part of its mandate, the restoration of international peace and security. Pending a comprehensive peace, UNIFIL seeks at least to maintain the ceasefire along the Blue Line through patrols and observation from fixed positions and close contact with the parties, with a view to correcting violations and preventing the escalation of incidents. It would appear that the need for the United Nations to perform such functions will continue to exist in the foreseeable future.

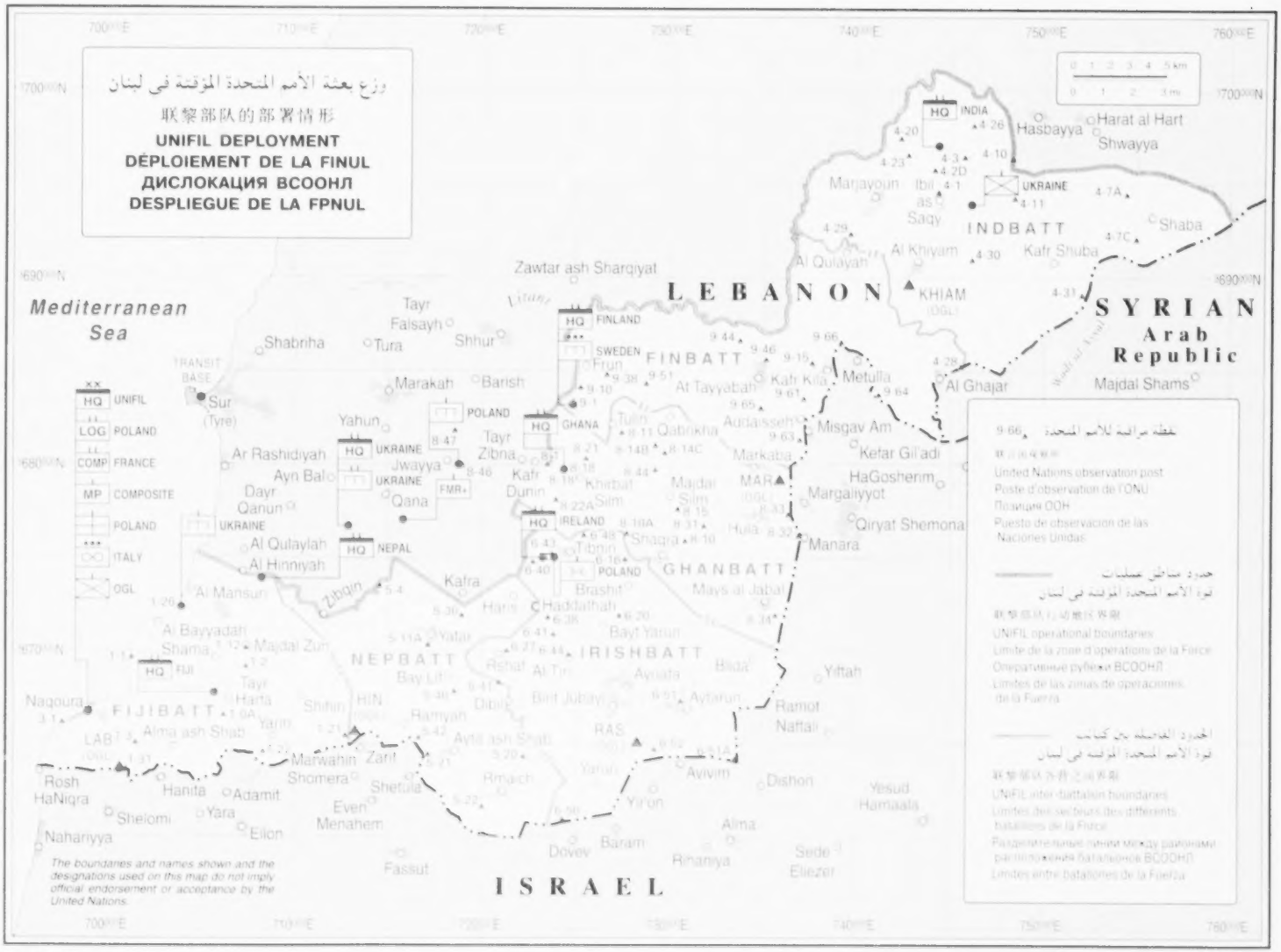
23. The functions described above are those of an observer mission, and I have taken good note of the Security Council's reference, in resolution 1310 (2000), to UNTSO. However, in view of the conditions in the region, I would be reluctant to entrust the task to unarmed observers alone, and would recommend instead a combination of armed infantry and unarmed observers. I would suggest two infantry battalions, a group of UNTSO observers, as at present, and support.

24. In view of the situation in the region, a prudent approach is appropriate. Should the Security Council opt for the suggested configuration, it may therefore consider proceeding in stages. A possible first stage might be to return UNIFIL to the strength it had before the augmentation last year, that is, to about 4,500 all ranks.

25. In a letter dated 5 January 2001 addressed to me (S/2001/14), the Permanent Representative of Lebanon to the United Nations conveyed his Government's request that the Security Council extend the mandate of UNIFIL for a further period of six months. In the light of the conditions prevailing in the area, I support the extension and recommend that the Security Council extend UNIFIL's mandate until 31 July 2001.

26. In making this recommendation, I must again draw attention to the serious shortfall in the funding of the Force. At present, unpaid assessments amount to $126.1 million. This represents money owed to the Member States contributing the troops that make up the Force. I appeal to all Member States to pay their assessments promptly and in full and to clear all remaining arrears. I should like to express my gratitude to the Governments contributing troops to the Force for their understanding and patience.

27. In conclusion, I wish to express my appreciation to Terje Roed-Larsen, my Special Envoy, and Rolf Knutsson, my Personal Representative, for their tireless efforts. I wish also to pay a tribute to Major General Seth Kofi Obeng and the men and women under his command for the manner in which they have carried out their task. Their discipline and bearing have been of a high order, reflecting credit on themselves and the United Nations.



Map No. 4134 Rev. 2 UNITED NATIONS
January 2001

Department of Public Information
Cartographic Section

United Nations S/2001/67

Security Council

Distr.: General
23 January 2001
English
Original: French

Letter dated 22 January 2001 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council

I have the honour to request you to extend an invitation to Mr. Ridha Bouabid, Permanent Observer for the International Organization of la Francophonie to the United Nations, in connection with the Security Council debate on the situation in the Central African Republic, scheduled for 23 January 2001, in accordance with rule 39 of the provisional rules of procedure of the Council.

(*Signed*) Saïd **Ben Mustapha**
Ambassador
Permanent Representative of Tunisia to the United Nations

01-22398 (E) 230101 230101

United Nations S/2001/68

Security Council

Distr.: General
23 January 2001
English
Original: Arabic

Identical letters dated 22 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a study, in the light of Security Council resolution 1314 (2000), of the impact of the embargo and the ongoing aggression on the children of Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Al-Humaimidi**
Chargé d'affaires a.i.

01-22289 (E) 250101 290101

Annex to the identical letters dated 22 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Study presented by the Government of Iraq to the Secretary-General and to the President of the Security Council in the light of Security Council resolution 1314 (2000), January 2001

In paragraph 1 of its resolution 1314 (2000) of 11 August 2000, the Security Council:

> "*Reaffirms* its strong condemnation of the deliberate targeting of children in situations of armed conflict and the harmful and widespread impact of armed conflict on children, and the long-term consequences this has for durable peace, security and development."

In paragraph 9 of the resolution, the Council:

> "*Notes* that the deliberate targeting of civilian populations or other protected persons, including children, and the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law, including that relating to children, in situations of armed conflict may constitute a threat to international peace and security, and in this regard *reaffirms* its readiness to consider such situations and, where necessary, to adopt appropriate steps."

Pursuant to paragraph 20 of the same resolution, the Government of Iraq is presenting this study in order to highlight the consequences for the children of Iraq of the savage aggression launched against the country by the coalition partners under the leadership of the United States of America and then of the embargo that has been maintained against it for more than 10 years in violation of international humanitarian law and human rights law.

For 10 years the children of Iraq have been facing a systematic and wilful abomination that first took the form of the devastating war conducted by the United States of America that inflicted on them the horrors of violence and deprivation. The children of Iraq have thus witnessed the most repulsive crimes committed against themselves and their families, friends and neighbours. The social fabric of the Iraqi family and of the community has been torn apart, and children have been deprived of their right to life, health and education.

On 17 January 1991, the coalition countries under the leadership of the United States of America launched an armed military assault that continued for the 42 days of an unprecedented bombing campaign. All types of sophisticated weapons were used, and some 109,000 raids were launched against Iraq in which more than 88,500,000 tons of explosives were used. They were primarily directed against civilian life in all parts of Iraq and had the purpose of destroying the economy and the morale of the Iraqi people and returning the country to a pre-industrial state. When the war ended in March 1991, the Iraqi people faced a terrifying crisis of survival because of the destruction of electric power stations, water purification plants, food-processing factories, food warehouses, waste-water treatment plants, oil wells, hospitals and other targets.

Despite Iraq's compliance with its obligations under the Security Council resolutions relating to its disarmament, the economic embargo that has been maintained against it since 1990 has had devastating consequences that have affected all aspects of life and have delayed the resumption of progress and cultural advancement in all fields. We can say that the Iraqi people is today confronted with destruction and genocide by means of a weapon that is no less dangerous than weapons of mass destruction, namely the economic embargo.

There follow hereunder a review of the violations of the rights of children resulting from the military aggression and the economic embargo and an examination of the perspective of international law in that regard.

The military aggression against Iraq in the light of international law

In paragraph 3 of its resolution 1314 (2000), the Security Council:

> "*Urges* all parties to armed conflict to respect fully international law applicable to the rights and protection of children in armed conflict, in particular the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977, the United Nations Convention on the Rights of the Child of 1989 ..."

The laws and customs of war require belligerent States to restrict their military operations to purely military objectives and to avoid attacking civilian localities. Article 23 (c) of the [regulations annexed to the] Hague Convention IV of 1907 provides that:

> "[sic] To attack and destroy civilian localities is prohibited ..." [sic].

Article 25 of the [regulations annexed to] the same Convention states that:

> "The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are civilian [i.e. undefended] is prohibited."

Article 26 of the [regulations annexed to] the Convention states that:

> "[sic] It is prohibited for belligerent forces to attack undefended civilian localities." [sic]

The Geneva Conventions of 1949 adopted the same principle, and article 13 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the fourth Geneva Convention of 12 August 1949, states that:

> "The provisions of the Convention [i.e. Part II] cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war."

Article 57 of the 1977 Additional Protocol I to the Geneva Conventions, imposing precautionary measures, includes the following:

> "[1. In the conduct of military operations,] constant care shall be taken to spare the civilian population, civilians and civilian objects.
>
> "[2. With respect to attacks, the following precautions shall be taken:]

"[(a) those who plan or decide upon an attack shall:]

"[...]

"[(iii)] refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

"...

"[4.] In the conduct of military operations at sea or in the air, each Party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed conflict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.

"5. No provision of this Article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects."

Article 48 of the Protocol establishes the basic rule that:

"In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall ... distinguish between the civilian population and combatants ... and accordingly shall direct their operations only against military objectives."

Article 51 of the 1977 Additional Protocol I states that:

"...

"[2.] The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited."

"..."

The countries that launched the aggression against Iraq directed their military attacks against civilian objectives in cities and population centres in all parts of Iraq from the very outset. Some 10,773 persons — men, women and children — fell victim to these attacks, and 15,413 dwellings were destroyed as well as thousands of civilian installations.

Article 18 of the fourth Geneva Convention of 1949 states that:

"Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, ..."

The air raids and missile attacks nevertheless totally destroyed many hospitals and civilian health centres — that is to say 88 hospitals, 45 health centres, 8 residential health facilities and 56 health institutions — and damaged 473 primary health-care centres.

In flagrant violation of the provisions of articles 61, 62 and 65 of the 1977 Additional Protocol I, which prohibit the targeting of buildings used for civil defence purposes and shelters intended for the civilian population, the United States of America and its coalition partners committed a loathsome crime that history will long remember. This was the bombing of the Amiriyah shelter in an attack that was

contrived and planned in advance. Preparations were made by introducing guided missiles specially designed to penetrate reinforced concrete. The shelter was destroyed together with the 403 people inside, including 52 infants and 260 women as well as children and men. The aggressor countries spared no effort to bomb and destroy schools, kindergartens and education services, and 676 day-care and educational institutions were attacked, including 28 schools that were completely destroyed.

The acts of aggression did not cease with the proclamation of the ceasefire in 1991 but have continued up to the present time. The people of Iraq, including its children and women, are thus still being subjected to daily bombardments by United States and British aircraft. The number of sorties flown by such aircraft as of 31 October 2000 was 26,436, and in them they bombed civilian population centres and killed 315 people and wounded 965, all of them civilians.

The suffering of the children of Iraq owing to the ongoing United States and British aggression reflects a moral void and a moral collapse vis-à-vis the fundamental norms of international humanitarian law, and this requires immediate action to end the suffering.

The economic embargo

In paragraph 15 of its resolution 1314 (2000), the Security Council indicates its willingness to consider assessing the potential unintended consequences of sanctions on children. The Government of Iraq would like in this regard to highlight the consequences the embargo has had for the civilian population and particularly for vulnerable groups such as women and children.

Impact of the economic embargo on civilians

The economic embargo imposed on Iraq has caused a humanitarian catastrophe comparable to the worst there have been in recent decades. Estimates of the number of fatalities caused vary between 500,000 and 1.5 million, most of them children. It must be emphasized that a large part of the ongoing controversy concerning the number of fatalities only obscures the fact that any fatality caused by the sanctions regime would indicate the presence of grave violations of humanitarian law and is unacceptable.

After conducting its first statistical studies of mother and child mortality in Iraq in 1991, UNICEF concluded in 1999 that children under the age of five from overpopulated areas of the country were dying at more than double the rate that had prevailed 10 years before. One expert on the impact of the sanctions on civilians states that the underlying reasons for the excessive number of fatalities include contaminated water, the lack of high-quality food, inadequate breastfeeding, bad weaning practices and the shortage of supplies in the therapeutic health-care system. The food shortage caused by the sanctions has led to a 32 per cent drop in per capita caloric intake in comparison with the period prior to the Gulf war. According to the Iraqi Government, in 1997 only one half of the country's water-treatment capacity was still in service.

Because of the shortage of medical supplies it is estimated that by the beginning of 1997 30 per cent of hospital beds could not be utilized, 75 per cent of all hospital equipment was unserviceable and 25 per cent of the 1,305 health centres in Iraq had closed. In its report (S/1999/356, annex II, para. 43), the second panel established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100), concerning the current humanitarian situation in Iraq, concluded that:

> "... In marked contrast to the prevailing situation prior to the events of 1990-1991, the infant mortality rates in Iraq today are among the highest in the world, low infant birth weight affects at least 23 per cent of all births, chronic malnutrition affects every fourth child under five years of age, only 41 per cent of the population have regular access to clean water, 83 per cent of all schools need substantial repairs. The ICRC states that the Iraqi health-care system is today in a decrepit state. UNDP calculates that it would take 7 billion United States dollars to rehabilitate the power sector country-wide to its 1990 capacity."

In March 2000 the Secretary-General expressed his special concern at the plight of Iraqi children.

The health crisis in Iraq has blended with the general social and economic crises caused by the sanctions. Even if fatalities were to decrease as a result of the humanitarian exemptions (which the Secretary-General and others view as impossible), there would still be gross and systematic violations of the rights of Iraqi citizens that are attributable to the sanctions. The economic, social and cultural rights of the Iraqi people are overlooked, as are its right to development and its right to education. By way of example, the purchasing power of the average Iraqi's income in the mid-1990s was about 5 per cent of that prior to 1990 and "the country has experienced a shift from relative affluence to massive poverty", as stated by the UNDP field office (S/1999/356, annex II, para. 43). The progress previously made in education and literacy has been completely reversed over the past 10 years. After his resignation in September 1998, Denis J. Halliday, a former Assistant Secretary-General of the United Nations and Coordinator of the Humanitarian Programme in Iraq, stated that the sanctions had had an alarming impact on the extended family system in Iraq; that there had been an increase in the number of one-parent families; that mothers customarily struggled on alone; that cases of divorce had increased; that many families had been forced to sell their houses, furniture and other belongings in order to buy food, so that homes had been destroyed; and that many young people were resorting to prostitution. Crime rates have also risen, and there has been a sharp increase in emigration. Researchers have also demonstrated how the adverse medical and social impact of the sanctions has been more serious for women because they are the principal casualties of social and economic displacement and disturbance.

Reactions to the sanctions

Vehement protest against the sanctions imposed on Iraq has come from all quarters. Within the United Nations, the Secretary-General himself has been in the forefront of the critics, and he made serious charges against the sanctions regime in his report to the Security Council of 10 March 2000 (S/2000/208). Two weeks later,

he stated that the Council must seek an opportunity to mitigate the suffering of the people, which was not, after all, the intended target of the sanctions. These sanctions had led to the resignation of three United Nations officials, two of them in that year alone. First, Denis J. Halliday, a former Assistant Secretary-General of the United Nations and Coordinator of the Humanitarian Programme in Iraq, resigned in September 1998 declaring that they were on the way to destroying an entire society, that the situation was quite simply horrifying and was illegal and immoral. Hans von Sponeck, Halliday's successor as Humanitarian Coordinator in Iraq, resigned on 13 February 2000, explaining that he could no longer associate himself with a programme that was prolonging the people's suffering and was incapable of meeting even the most basic needs of civilians. Two days later, Jutta Burghardt, Director of the World Food Programme in Iraq, also resigned, saying that she fully supported the statement of Mr. von Sponeck.

In the Security Council, which is the organ that is supposed to have endowed the sanctions regime with a character of legality, as well as in other forums, a number of countries, including, Brazil, China, Egypt, the Republic of Korea, Kenya, France, the Russian Federation and Slovenia, have expressed concern at the impact of the sanctions.

The sanctions have also aroused vehement protest on the part of civil society. Ending the sanctions has become a focus of attention for non-governmental organizations, human rights groups and humanitarian organizations in all parts of the world, and demonstrations, exhibitions, advocacy campaigns and conferences have been dedicated to the issue. Civil society groups have come into being with the sole objective of ending the sanctions, and they have endeavoured to bring together academics, activists and political leaders seeking the same goal. The human rights treaty bodies have published criticisms of the sanctions regime, of the damage it has done and of the violations it has caused of the human rights of Iraqis as set forth in the relevant covenants and other international instruments. The Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Commission on Human Rights, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women have issued many statements condemning the sanctions. Many groups have defied the embargo and have provided humanitarian assistance to Iraq in the context of international civil disobedience campaigns. From the legal point of view, such popular protest clearly reflects "the requirements of public conscience".

The embargo imposed on Iraq and international law

A. Economic sanctions and the Charter of the United Nations: permissibility and restrictions

Article 39 of the Charter of the United Nations allows the Security Council to take measures such as sanctions only "to maintain or restore international peace and security" after having determined "the existence of any threat to the peace, breach of the peace, or act of aggression". Sanctions can therefore only be imposed on a government, quasi-government or other entity that can represent a danger to peace or international security or that actually threatens international peace and security. Armed groups within a country can represent a danger to international peace and

security, but it is improbable that its civilian inhabitants, who are usually unarmed, should represent such a danger. Third countries that do not represent a danger to peace and security and do not actually violate them must not be harmed by the sanctions imposed on a country that has violated them.

Moreover, the "threat" may not be deemed to be in existence for obscure political reasons. There must be genuine international concern behind the sanctions and not merely considerations relating to the foreign or domestic policy of an individual State or group of States.

Sanctions may not be imposed in order to achieve any of the other purposes and principles of the United Nations set forth in Article 1 of the Charter unless the existence of a threat to the peace, a breach of the peace or an act of aggression can be reliably demonstrated.

Above and beyond these limits, the Charter contains other provisions in each of its parts that place restrictions on sanctions.

1. The restrictions set forth in Article 24

It is stated in Article 24, paragraph 2, that "the Security Council shall act in accordance with the purposes and principles of the United Nations". All of the actions of the Security Council without exception are therefore to be scrutinized in order to determine whether or not they are in keeping with the purposes and principles of the United Nations.

2. The restrictions set forth in Article 1

Article 1, paragraph 1, requires that sanctions or other measures taken to maintain international peace and security should be "effective" and that they should be "in conformity with the principles of justice and international law". Sanctions must thus be assessed in order to ascertain that they are not unjust and do not in any way violate the principles of international law derived from sources outside the Charter. Similarly, sanctions must constantly be reviewed in order to determine whether or not they are still effective for the maintenance of peace and security. Sanctions that are lacking in effectiveness, that are unjust or that violate other norms of international law must not be imposed and if they have been imposed they must be lifted.

Article 1, paragraph 2, requires that any sanctions or other measures taken should respect "the principle of equal rights and self-determination of peoples". Sanctions may not be imposed that cause international disputes, are incompatible with international legal rights or do serious harm to a people's right to self-determination. Should such sanctions have been imposed they must be lifted.

The goal of the United Nations of "promoting and encouraging respect for human rights", set forth in Article 1, paragraph 3, necessarily places limits on sanctions. Article 1, paragraph 3, also states that the Organization has the goal of solving problems of a humanitarian character, not that of causing them. Sanctions must therefore not cause excessive hardships for a country's population. Sanctions that cause fatalities, directly or indirectly, violate the right to life. It is possible that other human rights are also violated by sanctions regimes, such as the right of the individual to security of person, to health, to education or to work.

Article 1, paragraph 4, requires that sanctions or other measures taken should promote the harmonization of national or international actions. Sanctions imposed on one country and not on another that has committed the same unlawful acts violate this stipulation requiring harmonization, as does the unequal status of two countries with respect to the imposition or non-imposition of sanctions for the same unlawful acts.

3. The restrictions set forth in Article 55

Article 55 of the Charter reinforces the restrictions set forth in Article 1, paragraph 3, and it requires the United Nations to promote: (a) higher standards of living and economic and social progress; (b) solutions of international economic, social, health and related problems; and (c) respect for and observance of human rights.

Sanctions regimes that bring about lower economic standards, cause health problems or impede the observance of human rights are regimes that violate Article 55.

B. General Assembly resolutions relating to sanctions

The General Assembly has adopted a number of resolutions that expand on the subject matter of Article 1 of the Charter and they must also be taken into account as they relate to sanctions. They include the following:

1. Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;
2. Charter of Economic Rights and Duties of States;
3. [Declaration on] Permanent Sovereignty over Natural Resources;
4. Universal Declaration on the Eradication of Hunger and Malnutrition.

C. The restrictions imposed on sanctions by human rights law

1. Universal Declaration of Human Rights

Account must be taken of the Universal Declaration of Human Rights in its entirety, although some of its provisions are of particular importance: the right to life (article 3); the right not to be subjected to inhuman or degrading treatment (article 5); and the right to an adequate standard of living, including food, clothing, housing and medical care (article 25). All of these are rights that are particularly subject to violation under sanctions regimes. Article 25 also establishes two other rights that are subject to violation, namely the right of the individual to social security if he should lose his livelihood in circumstances beyond his control and the right of mothers and children to special care. The rights of prisoners and other detainees and those in involuntary custody are also particularly liable to violation.

2. The International Covenants on Human Rights

The two International Covenants on Human Rights reaffirm the rights set forth in the Universal Declaration of Human Rights. The International Covenant on Economic, Social and Cultural Rights, for example, recognizes the right to an adequate standard of living (article 11), the right to health (article 12) and the right to education (article 13). Article 6 of the International Covenant on Civil and Political Rights protects the right to life, and article 4 [i.e. 5] of the same Covenant contains an additional concept, namely the impermissibility of restricting or derogating from fundamental rights.

3. Other human rights instruments relevant to sanctions

1. Convention on the Rights of the Child.

2. Declaration of the Principles of International Cultural Cooperation.

It is obvious that the sanctions regime imposed on Iraq is unlawful under existing international humanitarian law and human rights law. It is totally incompatible with the aforementioned provisions of the Charter of the United Nations, the General Assembly resolutions relating to sanctions and the human rights covenants and other instruments. Some go so far as to regard it as a form of genocide. Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, which entered into force on 12 January 1951, defines genocide as:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"..."

The sanctions regime imposed on Iraq has a clear objective, namely to inflict on the Iraqi people conditions of life (insufficient food, medicines, etc.) that are calculated to bring about its physical destruction in whole or in part. It is of no importance that the apparent objective of this deliberate physical destruction concerns the security of the region. As long as there is clear evidence that thousands of civilians are dying because of the sanctions and that hundreds of thousands will die in the future because the Security Council continues to keep the sanctions in place, fatalities can no longer be regarded as an unintended collateral effect and the Security Council is responsible for all the known consequences of its actions.

The bodies that impose the sanctions cannot be absolved of the intention to destroy the Iraqi people. The former Permanent Representative of the United States to the United Nations acknowledged this when she was interviewed for the television programme "60 Minutes" by Lesley Stahl. When she was asked whether this matter "deserved" half a million deaths, she replied that they believed that it did. It is indeed possible for the States that are maintaining the sanctions to raise questions under the terms of the genocide convention.

The ongoing aerial bombardments being carried out by United States and British aircraft make this a situation of armed conflict. The meticulous measures for which provision is made in international humanitarian law in order to protect

civilians are therefore applicable to the sanctions regime and to its instigators, and those who break these laws can be prosecuted on the grounds that such violations are war crimes. In this context, reference should be made to the restrictions imposed on sanctions by humanitarian law and in particular by the Geneva Conventions of 1949. The Geneva Conventions contain provisions that are highly relevant to the matter, namely: the provisions that permit exemptions from embargo for medical supplies and goods that are essential to the survival of the civilian population; the provisions of article 54, paragraph 1, of Additional Protocol I, which states that "Starvation of civilians as a method of warfare is prohibited"; and the provisions relating to the protection of women and children, the two groups most harmed by the sanctions regime. Finally, by virtue of the Martens Clause humanitarian law clearly requires that in cases where the law has not been established consideration of "the requirements of public conscience" remains binding. As stated above, the vehement popular protest against these sanctions represents the requirements of public conscience and renders the sanctions unlawful.

In paragraph 2 of its resolution 1314 (2000), the Security Council:

> "*Emphasizes* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes ...."

In this connection, the Government of Iraq calls for the prosecution of those responsible for the aforesaid crimes that are being committed against the Iraqi people, and particularly children and women, and that constitute in aggregate a flagrant violation of international humanitarian law and human rights law. It further calls for the children of Iraq to be compensated for the direct and indirect damage done to them by the maintenance of the embargo and the ongoing aggression.

United Nations S/2001/69

Security Council

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Draft resolution

The Security Council,

Reaffirming its resolution 864 (1993) of 15 September 1993 and all subsequent relevant resolutions, in particular resolutions 1127 (1997) of 28 August 1997, 1173 (1998) of 12 June 1998, 1237 91999) of 7 May 1999 and 1295 (2000) of 18 April 2000,

Reaffirming als its commitment to preserve the sovereignty and territorial integrity of Angola,

Expressing its continued concern regarding the humanitarian effects of the present situation on the civilian population of Angola,

Determining that the situation in Angola constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Takes note* of the final report (S/2000/1225) of the monitoring mechanism established pursuant to resolution 1295 (2000);

2. *Expresses its intention* to give full consideration to the final report pursuant to paragraph 5 of resolution 1295 (2000);

3. *Decides* to extend the mandate of the monitoring mechanism as set out in resolution 1295 (2000) for a period of three months;

4. *Requests* the monitoring mechanism to report periodically to the Committee established pursuant to resolution 864 (1993), and to provide a written addendum to the final report, by 19 April 2001;

5. *Requests* the Secretary-General, upon adoption of this resolution and acting in consultation with the Committee, to re-appoint up to five of the experts appointed by him pursuant to resolution 1295 (2000) to serve on the monitoring mechanism and *further requests* the Secretary-General to make the necessary financial arrangements to support the work of the monitoring mechanism;

6. *Requests* the Chairman of the Committee established pursuant to resolution 864 (1993) to submit the written addendum to the final report to the Council by 19 April 2001;

7. *Calls upon* all States to cooperate fully with the monitoring mechanism in the discharge of its mandate;

8. *Decides* to remain actively seized of the matter.